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STATUTES OF THE PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE
FORTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA,

Being the Third Session of the Fourth Legislature of Ontario,

BEGUN AND HOLDEN AT TORONTO, ON THE TWELFTH DAY OF JANUARY, IN THE YEAR OF OUR
LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-TWO.

1882



212051
9.5.27

HIS HONOUR
THE HONOURABLE JOHN BEVERLEY ROBINSON,
LIEUTENANT-GOVERNOR.

Toronto:
PRINTED BY JOHN NOTMAN,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
1882.



STATUTES

OF THE

PROVINCE OF ONTARIO

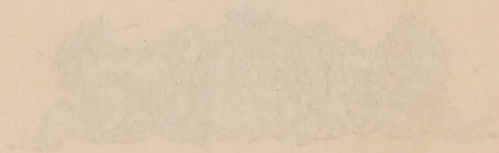
PUBLISHED BY THE GOVERNMENT OF ONTARIO

PRINTED AND BOUND BY THE GOVERNMENT OF ONTARIO

QUEEN VICTORIA

During the Third Session of the Fourth Legislature of Ontario

PRINTED AND BOUND BY THE GOVERNMENT OF ONTARIO



THE GOVERNMENT OF ONTARIO

THE HONOURABLE JOHN BETHUNE, M.P.

MINISTER OF EDUCATION

PRINTED BY

C. B. ROBINSON,

JORDAN ST., TORONTO.

BOUND BY

W. WARWICK,

WELLINGTON ST., TORONTO.

1882

PRINTED BY JOHN NOTMAN

PRINTED TO THE ORDER OF THE GOVERNMENT OF ONTARIO

1882



ANNO QUADRAGESIMO QUINTUO.

VICTORIÆ REGINÆ.

CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-two and for other purposes therein mentioned.

[Assented to 10th March, 1882.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by Messages from His Honour the Honourable John Beverley Robinson, Lieutenant-Governor of Ontario, and the Estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and eighty-two; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of two millions five hundred and eighty-eight thousand nine hundred and forty-eight dollars and twenty-eight cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty-two, as set forth in Schedule A to this Act; and for the expenses of Legislation, Public Institutions' maintenance, and salaries of the officers of the

\$2,588,948.28 granted out of the Consolidated Revenue Fund for certain purposes.

the Government and Civil Service for the month of January, one thousand eight hundred and eighty-three, as set forth in Schedule B to this Act.

Accounts to be
laid before the
Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended
moneys.

3. Any part of the money, under Schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and eighty-two, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day, and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure
to be account-
ed for to Her
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-two, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto.

Government House	\$6,115 00	
Lieutenant-Governor's Office	4,230 00	
Executive Council and Attorney-General's Office	15,170 00	
Education Department	20,567 00	
Crown Lands Department	46,700 00	
Department of Public Works	19,290 00	
Treasury Department	18,760 00	
Department of Agriculture	1,400 00	
Inspection of Public Institutions	8,800 00	
Secretary and Registrar's Office	26,525 00	
Department of Immigration	1,500 00	
Miscellaneous	15,150 00	
		<hr/>
		\$184,207 00

LEGISLATION.

LEGISLATION.

To defray expenses for Legislation \$130,900 00

ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	\$53,244 00	
Criminal Justice	154,000 00	
Miscellaneous Justice	87,719 00	
Surrogate Judges	7,204 00	
	<hr/>	\$302,167 00

EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$240,000 00	
Inspection of Public and Separate Schools....	31,878 00	
Schools in New and Poor Townships	16,000 00	
Collegiate Institutes and High Schools	84,500 00	
Inspection of Collegiate and High Schools....	5,600 00	
Departmental Examinations.....	10,837 80	
Training of Public School Teachers.....	14,050 00	
Superannuated High and Public School Teachers	51,000 00	
Normal and Model Schools, Toronto	23,804 60	
Normal School, Ottawa.....	19,280 00	
Educational Depository	8,785 10	
Miscellaneous Expenses of Education	6,552 00	
	<hr/>	\$512,287 50

PUBLIC INSTITUTIONS—MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto.....	\$89,679 34	
Asylum for the Insane, London	113,468 32	
Asylum for the Insane, Kingston	56,791 00	
Asylum for the Insane, Hamilton	63,997 51	
Asylum for the Insane, Orillia	19,799 00	
Provincial Reformatory, Penetanguishene.....	37,229 40	
Central Prison, Toronto	71,457 88	
Institution for the Deaf and Dumb, Belleville..	37,863 00	
Institution for the Blind, Brantford	33,382 35	
School of Agriculture, Guelph	23,924 25	
School of Practical Science, Toronto	5,625 00	
Mercer Reformatory for Females, Toronto	26,228 27	
	<hr/>	\$579,445 32

IMMIGRATION.

IMMIGRATION.

To defray expenses of a grant in aid of Immigration \$28,500 00

AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

To defray expenses of a grant in aid of:—

Agriculture	\$86,700 00	
Arts	30,200 00	
Literary and Scientific.....	1,350 00	
	<hr/>	\$118,250 00

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities \$78,318 52

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure as follows:—

License Law	\$2,000 00	
Collection of revenue for law stamps and licenses.	1,500 00	
Marriage Licenses	400 00	
Ontario Rifle Association.....	1,000 00	
Insurance of Public Buildings and Furniture...	28,500 00	
Expenses of Elections	1,000 00	
Expenses of Contested Elections.....	500 00	
Revision Voters' Lists	1,000 00	
Gratuities	17,475 00	
Allowance to Counties under provisions of R. S.		
O., chapter 224, sec. 23	2,232 50	
Telephone Service.....	500 00	
Expenses taking Insane People to Asylums, and		
Boys and Females to Reformatories	6,000 00	
To defray the expenses of maintaining the rights		
of the Province to the territory recently		
awarded.....	10,000 00	
Expenses <i>re</i> London University Examination and		
Gilchrist Scholarship	150 00	
Expenses of preventing prize fight.....	173 49	
Expenses Campbell <i>vs.</i> Prince.....	428 90	
Telephone Service.....	550 00	
Muskoka and other sufferers....	6,000 00	
Fence at Niagara Falls.....	5,000 00	
	<hr/>	\$84,409 89

PUBLIC

PUBLIC BUILDINGS.

To defray expenses at the works at the Asylum for the Insane, Toronto	\$5,781 00	
Asylum for the Insane, London.....	12,552 50	
“ “ “ Hamilton	9,535 00	
“ “ “ Kingston	33,475 50	
“ “ Idiots, Orillia.....	1,045 00	
Reformatory, Penetanguishene	12,701 00	
Reformatory for Females, Toronto.....	5,260 00	
Central Prison, Toronto	4,125 00	
Deaf and Dumb Institute, Belleville.....	10,400 00	
Blind Institute, Brantford	12,225 00	
School of Agriculture, Guelph.....	14,870 00	
Normal School and Education Office, Toronto..	2,500 00	
Normal School, Ottawa	1,500 00	
School of Practical Science, Toronto	2,576 60	
Osgoode Hall, Toronto.....	2,000 00	
Government House, Toronto	4,000 00	
District of Algoma	1,200 00	
Thunder Bay District	600 00	
Nipissing District.....	200 00	
Parry Sound District	400 00	
Muskoka District.....	2,000 00	
New Territory	9,000 00	
		<hr/>
		\$147,946 60

PUBLIC WORKS.

To defray expenses of Public Works	\$33,266 00
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COLONIZATION ROADS.

To defray expenses of Construction and Repairs	\$110,650 00
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CROWN LANDS EXPENDITURE.

To defray expenses on account of Crown Lands.....	\$83,000 00
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REFUNDS.

To defray the expenses of Refund Accounts.....	\$42,335 99
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UNFORESEEN AND UNPROVIDED.

To meet unforeseen and unprovided expenses	\$50,000 00
To cover sundry unforeseen expenditures of 1881	\$73,264 46

Total Estimate for 1882\$2,558,948 28

SCHEDULE

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-three, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1883. \$30,000 00

Total \$2,588,948 28

CHAPTER 2.

An Act respecting the Sale of Lands in Algoma for Government Taxes.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Proceedings when land does not sell for full amount of taxes.

1. Where, at a sale of lands for arrears of taxes under the Revised Statute respecting the taxation of patented lands in Algoma, the sheriff fails to sell any land for the full amount of arrears due thereon, he shall at such sale adjourn the sale of such land until a day then to be publicly named by him, not being earlier than one month nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the newspapers in which the original sale was advertised; and, on such day he shall, unless otherwise directed by the Treasurer of Ontario, sell such lands for any sum he can realize, and such sum shall be accepted as full payment of such arrears of taxes, but the owner of any land so sold shall not be at liberty to redeem the same except upon payment of the full amount of taxes due, together with the expenses of sale; and the sheriff shall account to the Treasurer of Ontario for the full amount of the taxes paid.

Payment, etc., where several lots included in one patent.

2. Where several lots or parcels of land are granted in one patent, it shall not be necessary, and shall not be held to have been necessary, to keep the amount owing in respect of each lot or parcel separately in the books of the Treasurer of Ontario, but each such lot or parcel shall be sold separately in case of a sale for arrears, and any owner shall be at liberty at any

any time to pay the taxes owing in respect of any of the lots or parcels mentioned in the patent.

3. In case any person claims to have bought any particular portion of a lot or parcel mentioned in the patent, he shall, upon producing properly verified by affidavit or statutory declaration, the deeds shewing him to be entitled to such lands, and the quantity contained in such portion, for the inspection of the Treasurer, and paying up all arrears upon such lot or parcel, and not otherwise, be entitled to have such portion entered in the Treasurer's books separate from the rest of the said lot or parcel, and the taxes in respect of such portion shall thereafter be kept separate from the taxes for the rest of such lot, and the same rule shall be observed in case of any further division of such lot, parcel or portion.

Provisions for enabling owner of any lot included in patent with others to have a separate account of taxes kept for such lot.

4. In case the Treasurer by whom the warrant for sale is given, dies or ceases to hold office before the day appointed for the sale, such sale may, nevertheless, proceed under the authority of such warrant, unless the same is in the meantime revoked by the successor of such Treasurer.

Provision in case Treasurer by whom warrant is given dies or resigns office before day of sale.

5. Where, after any sale for arrears of taxes is made under the said Act, the sheriff by whom the sale was conducted dies, or ceases to hold office, before the execution of a deed of conveyance to the purchaser, such deed may be executed by the successor of such sheriff.

In case of death of sheriff, successor may execute deed.

6. The provisions of sections numbered from one hundred and fifty-five to one hundred and sixty-nine, both inclusive, of "The Assessment Act" shall, with the substitution of "sheriff" for "treasurer" whenever "sheriff" occurs in any of the said sections, apply to all sales which have been had or may be had under the said Act.

R. S. O., c. 180, ss. 155-169 to apply to sales under R. S. O., c. 22.

CHAPTER 3.

An Act respecting the Upper Canada Land Improvement Fund.

[Assented to 10th March, 1882.]

WHEREAS under the authority of the fourteenth section of the "Public Lands Act of 1853," a fund known as the Upper Canada Land Improvement Fund was constituted; and whereas the late Province of Canada, between the 6th day of March, 1861, and the 1st day of July, 1867, received on account of the said fund from sales of Common School Lands in Upper Canada,

Preamble.

Canada, made between the 14th day of June, 1853, and the said 6th day of March, 1861, the sum of \$124,685.18; and whereas the arbitrators to whom, under the "British North America Act, 1867," was referred the division and adjustment of the debts, credits, liabilities, properties and assets of Upper Canada and Lower Canada, by their award, made on the 3rd day of September, 1870, declared the Province of Ontario entitled to the said sum; and whereas the said award was on the 26th day of March, 1878, by the order and judgment of Her Majesty in Council declared valid and binding; and whereas the said amount has not yet been paid over to this Province by the Government of Canada, but it is expedient that it should be no longer withheld from the municipalities entitled thereto;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Payment to
be made to
municipalities
entitled.

1. There shall be paid out of the Consolidated Revenue Fund of this Province to the townships and other municipalities entitled thereto the sum of one hundred and twenty-four thousand six hundred and eight-five dollars and eighteen cents, in advance of the receipt of the same from the Government of the Dominion as aforesaid.

Payment to
be made under
direction of
Lieut.-Gov. in
Council.

2. The said sum shall be paid under the direction of the Lieutenant-Governor in Council to the treasurers of the various townships and other municipalities entitled thereto; and each township, or other municipality, shall be paid that portion of the said amount which was obtained from the sale of lands within it, and such portion shall be ascertained and determined by authority of the Lieutenant-Governor in Council.

Provision for
cases in which
boundaries of
municipalities
have been
changed.

3. In case of there having been any change in the boundaries of any township or other municipality, or in case of an incorporated village, or town, having been formed, or its limits extended, within a township, or partly within each of two or more townships, the councils interested may agree as to their respective proportions of the money to which the township or other municipality is entitled; or may refer the question to arbitration; or in case they fail to agree, or to arbitrate, the proportion of each shall be ascertained and determined by authority of the Lieutenant-Governor in Council.

Application
of moneys.

4. The said moneys may be applied by the council receiving the same for the use and benefit of the municipality in any way the council sees fit.

CHAPTER 4.

An Act to amend the Agriculture and Arts Act.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section twelve of "The Agriculture and Arts Act" is hereby amended by striking out all the words after "*ex officio*," in the second line thereof, down to and inclusive of the words "all life members," in the fifth line thereof. R. S. O., c. 35, sec. 12, amended.

2. Section seventeen of the said Act is hereby repealed, and the following substituted in lieu thereof:— Sec. 17 repealed.

17. On or before the fifteenth day of December in each year, two auditors shall be appointed, one by the Commissioner of Agriculture, and the other by the Council of the Association, whose duty it shall be to examine the accounts of all moneys received and expended by the treasurer of the association, and to examine into the assets and liabilities of the association, and on or before the first day of February ensuing, to report as to said accounts, receipts, expenditures, assets, and liabilities to the secretary of the association, who shall, on or before the first day of June ensuing, cause such report to be printed, and a copy thereof to be sent to the Commissioner of Agriculture, to the president of the association, to each member of the Council, to the presidents, vice-presidents, secretaries, and treasurers of all Electoral District and Horticultural Societies, and Mechanics' Institutes, and of the Fruit Growers' Association of Ontario, the Entomological Society of Ontario, the Dairyman's Associations of Ontario, the Ontario Society of Artists, and to the auditors who made such report. Appointment and report of auditors.

3. The Council shall on or before the fifteenth day of December in each year, submit for the approval of the Lieutenant-Governor in Council, an estimate of the sums required for the purposes of the association for the ensuing year, giving in detail in such estimate as far as possible the particular object or objects to which the money is to be applied and the amount required for each. Estimates to be submitted to Lieut.-Gov. in Council.

4. Section eighteen of the said Act is hereby amended by striking out all the words after the "Commissioner of Agriculture," in the third line thereof. Sec. 18 amended.

5. Section twenty of the said Act is hereby repealed, and the following substituted in lieu thereof:— Sec. 20 repealed.

District societies to elect delegates.

20. The members of the electoral district agricultural societies in each division shall, at their several annual meetings, provided by section forty of this Act, nominate a person to represent their division in the Council of the Association, each electoral district society having one vote, and the person nominated by the largest number of such electoral district societies shall be the member of the Council to represent such division ;

(2) In case the vote for such member results in a tie, then the electoral district society having the largest number of members shall have the casting vote ;

(3) Vacancies in the Council through death, resignation, or otherwise, shall be filled by the Commissioner of Agriculture ;

(4) The Commissioner of Agriculture shall, on or before the tenth day of January in each year, forward to the Secretaries of the several electoral district societies in such division the name or names of such person or persons as shall have filed with him, on or before the thirty-first day of December of the preceding year, a nomination in writing nominating him or them as candidate or candidates for election, to represent such division in the Council of the Association. Such nomination paper to be signed by not less than ten persons who are members of some electoral district society in such division.

Sec. 24 amended.

6. Section twenty-four of the said Act is hereby amended by striking out the words " between the annual meetings of the directors thereof," in the second and third lines; and by substituting the words " any special objects " for the words " the local expenses of an exhibition," in the sixth line.

Sec. 25 amended.

7. Section twenty-five of the said Act is hereby amended by striking out the words " but if not elected from among themselves such treasurer shall be *ex officio* a member of the council," in the seventh and eighth lines.

Sec. 26 repealed.

8. Section twenty-six is hereby repealed, and the following substituted in lieu thereof:—

Duties of the Council.

26. It shall be the duty of the Council to take measures for the promotion of the agricultural and arts interests of the Province in any or all of the following ways, namely :

1. By holding provincial agricultural meetings and shows of stock, implements, farm and horticultural products, machinery, manufactures, and works of art either by themselves or in conjunction with the Dairymen's, Fruit Growers', Mechanics' Institutes', and other Associations ;

2. By holding meetings and shows for particular sections of the Province, either by themselves or in conjunction with other associations ;

3. By aiding exhibition associations in accomplishing the same

same objects, by the granting of medals, prizes, or other awards of merit ;

4. By offering prizes for the best-managed farms, farm buildings, dairies, market gardens, orchards, or vineries ;

5. By holding or aiding ploughing matches, and by the testing of agricultural implements and machinery ;

6. By encouraging the planting of trees and the study of forestry ;

7. By introducing and testing new varieties of grain, seeds, vegetables, or other agricultural productions ;

8. By introducing or aiding in the introduction of new and improved breeds of animals, either from other countries or provinces, or from one part of the Province into another ;

9. By offering premiums for reports on the breeding, rearing, and feeding of animals, the management of the dairy, the production of wool, the improvement of agriculture and agricultural machinery and implements, the growth of timber, the adaptability of particular localities for particular branches of agriculture, the erection of farm buildings, fencing, draining, and other subjects relating to agriculture or arts ;

10. By causing, or aiding in causing, lectures to be delivered on such subjects and at such places as may be deemed in the interest of agriculture ;

11. And generally by adopting every means in their power to promote improvement in the agriculture and arts of the Province.

9. Section thirty-four is hereby amended by inserting after the word "Exhibition," in the eleventh line, the words "or Sec. 34 amended. may dispense with an exhibition."

10. Section ninety-one is hereby amended by striking out all the words after "meeting" in the first line to and including the word "year," in the fourth line, and inserting in lieu thereof the words "at such time and place not later than the fifteenth day of October in each year as the Executive Committee thereof may designate." Sec. 91 amended.

11. Vacancies occurring through death, resignation, or otherwise in the directorate of the Fruit Growers' Association shall be filled by the Commissioner of Agriculture. Filling vacancies in directorate of Fruit Growers' Association.

12. Section fifty-four of the said Act is hereby amended by adding thereto the following words: "And it shall be the duty of the Secretary of the Electoral District Society to sign the certificate, above referred to, whenever requested to do so." Sec. 54, amended.

13. Section seventy-four of the said Act is hereby amended by adding the following as sub-sections two, three, four and five: Sec. 74 amended.

(2) The association may act in conjunction with any other association or associations, whose objects are the promotion of the interests of arts and manufactures, and generally may exercise such powers as are necessary to advance the arts and manufactures of the Province.

(3) The association shall have power to employ competent persons to deliver lectures on subjects connected with the mechanical arts and sciences, or with manufactures, and to use its funds for that purpose; and any Associate Institute is also authorized to contribute from its own funds for the like object.

(4) The association shall keep a record of its transactions, and may from time to time publish or procure, in such manner and form as to secure the widest circulation among the members of the Associate Mechanics' Institutes, such works, reports, essays, lectures and other papers on subjects connected with the mechanical arts and sciences, or with manufactures, as the said association may consider suitable.

(5) The association shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of the Province, a sum of not less than twelve hundred dollars in any one year.

Sec. 75
repealed.

14. Section seventy-five of the said Act is hereby repealed, and the following substituted in lieu thereof:

Annual meet-
ing.

75. The association shall hold a meeting annually at any time during the month of September, and at such place as the association or its Executive Committee shall from time to time determine upon, in each and every year; and a report of the proceedings of the association shall be made to the Minister of Education within thirty days after the holding of such annual meeting.

Sec. 76
amended.

15. Section seventy-six of the said Act is hereby amended by striking out the word "shall" in the first line, and substituting in lieu thereof the word "may;" and by inserting after the word "secretary" in the fourth line, the words, "but each institute receiving legislative aid, as provided for in the next following section, shall send at least one delegate to represent it at the next annual meeting of the association."

Sec. 78
amended.

16. Section seventy-eight of the said Act is hereby amended by striking out all the words after "shall" in the first line to the word "and" in the fifth line, and inserting in lieu thereof the words "cause to be forwarded to the Minister of Education."

Sec. 80
amended.

17. Section eighty of the said Act is hereby amended by inserting therein next after the word "villages" the words "also in villages unincorporated, whose population and other conditions

conditions are such as would entitle them to become incorporated under the provisions of the ninth section of the Municipal Act."

CHAPTER 5.

An Act to establish a Bureau of Industries.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "The Bureau of Industries Act." Short title.

2. There shall be attached to the Department of the Commissioner of Agriculture a Bureau, to be styled "The Bureau of Industries," for collecting, tabulating and publishing industrial information for public purposes, and the said Commissioner shall be charged with the direction thereof. Bureau to be under direction of Commissioner of Agriculture.

3. It shall be the duty of the Commissioner to institute inquiries and collect useful facts relating to the agricultural, mechanical, and manufacturing interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he finds best adapted to promote improvement within the Province, and to encourage immigration from other countries; and (amongst other things) to procure and publish early information relating to the supply of grain, breadstuffs and live stock in the other Provinces of the Dominion, in Great Britain, and in the United States and other foreign countries in which the Province finds a market for its surplus products; and as to the demand therefor; and he shall submit to the Legislature, within thirty days of the opening of each session, a detailed and succinct report of his proceedings. Useful facts relating to agriculture, etc., to be collected and published.

4. The Lieutenant-Governor may appoint a secretary of the Bureau, who shall be known as the "Secretary of the Bureau of Industries;" and may also appoint such other officers as may be necessary for the proper conduct of the Bureau. Appointment of Secretary and other officers.

5. It shall be the duty of the secretary, under the instructions of the Commissioner, to conduct all correspondence of the Bureau; to send to the proper officers and bodies of whom such service is required the schedules, with instructions, approved by the Commissioner for the collection of facts and information relating

relating to the agricultural and other industries of the Province; to receive and tabulate the information collected and obtained; to publish the same monthly or oftener during the growing season; to prepare at the close of each year a general report to the Commissioner; to compile annually from the departmental records of the Province, and from other available records, a tabular abstract of facts relating to land, trade, government, population, and other subjects; and generally to perform all work within the sphere of the Bureau as he may from time to time be directed by the Commissioner.

Officers of certain societies and others to answer all official communications.

6. The officers of all societies, institutes and associations organized under the Agriculture and Arts Act, and of all municipal councils, school boards and public institutions, and all public officers of this Province, shall promptly answer all official communications from the said Bureau, shall from time to time collect and tabulate facts according to instructions to be furnished them, shall make diligent efforts to supply correct information on all questions submitted to them, and generally shall act, as far as practicable, upon the recommendations of the Commissioner; and any officer of any such society, institute, association, council, school board or public institution, making a false return of information, or refusing or wilfully neglecting to answer any question, or to fill up, tabulate and return official schedules according to instructions and within the prescribed times, or to furnish any information relating to the industries of the Province, when required so to do either by the Commissioner or by the secretary of the Bureau shall for every such offence incur a penalty of forty dollars, which shall be recoverable by any person suing for the same before any court of competent jurisdiction, and shall be paid to Her Majesty for the use of this Province.

Arrangements with Government of Dominion.

7. The Commissioner of Agriculture, with the approval of the Lieutenant-Governor in Council, may make such arrangements as he deems expedient with the Government of the Dominion for the collection and transmission of information on the agricultural, manufacturing and other interests of the Province, or for obtaining for the use of the Province such information as may have been collected by the Department of the Minister of Agriculture.

Officers, etc., entitled to copy of reports

8. All collectors and officers employed in collecting data for the Bureau of Industries shall be entitled to receive one copy each of the publications and reports of the said Bureau.

R.S.O., c. 35, ss. 5, 6, 8-11, repealed.

9. Sections numbered five, six, eight, nine, ten, and eleven of the Agriculture and Arts Act are hereby repealed.

CHAPTER 6.

An Act respecting the jurisdiction of the Court of Appeal.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows. —

1. This Act may be cited as "The Court of Appeal Amend- Short title.
ment Act, 1882."

2. Where a judge who has been present at the hearing of a case in the Court of Appeal, and has considered the case, and prepared a written judgment thereon, with or without his reasons therefor, remains a judge, whether ordinary or *ex officio*, of the Court of Appeal, but is not present at the time of the judgment of the court being delivered, his written judgment may be read by one of the other judges of the court, and shall have the same effect as if he were present; and in such case, if the judgment delivered is on an appeal from the High Court, it shall be sufficient if three judges are present; and if the judgment is on an appeal from the County Court, it shall be sufficient if two judges are present; and it shall not be necessary that the judges shall be unanimous. This section applies to causes or matters heard before or after the passing of this Act.

Written judgment of an absent judge may be read by another judge.

3. In case after a cause or matter in the Court of Appeal has been heard and stands for judgment, one of the Judges by whom the appeal was heard is transferred to the Supreme Court of Canada, or resigns his office, or is absent from illness or other cause, or dies, the remaining Judges, if unanimous in their decision, may give judgment as if such Judge were still a Judge of the said Court of Appeal, and were present and taking part in the said judgment. This section applies to causes or matters heard before or after the passing of this Act.

Judgment may be given in the absence of one of the judges who heard the cause if other judges are unanimous.

4. Any party to a cause or matter may appeal to the Court of Appeal, as well in the cases in which an appeal is allowed by the thirty-fifth section of the County Courts Act, as from every other decision hereafter given by a Judge of a County Court under any of the powers given by the Administration of Justice Act; and from every decision or order hereafter given by a Judge of a County Court sitting in Chambers, under the provisions of the law relating to examination of debtors, attachment of debts, and proceedings against garnishees; and from every decision or order hereafter given in any cause or matter

Appeals from decisions of County Court Judges.

matter disposing of any right or claim, provided always that the decision or order is in its nature final, and not merely interlocutory.

Appeal from
decision of
County Judge
after judg-
ment signed.

5. An appeal may be had from any appealable decision of a County Court judge notwithstanding judgment has been signed thereon: Provided that the required security is given within ten days from the decision appealed against, or within such further time, not exceeding thirty days, as a judge of the County Court appealed from may allow; and in case the decision appealed against is reversed, the Court of Appeal shall have authority to set aside the judgment if signed, and to make such other order as may be requisite.

R. S. O., c. 43,
ss. 34, 36-42 to
apply to
appeals under
two preceding
sections.

6. The thirty-fourth section, and the sections numbered from thirty-six to forty-two inclusive, of the County Courts Act, shall apply to appeals under the next preceding two sections; but the Judge shall only be required, under the forty-first section of the said Act, to certify such motions, rules, orders, affidavits, evidence, and other materials, as are necessary for the full understanding of the matter in appeal, together with his judgment or decision on the same.

R. S. O., c. 38,
ss. 21-25 to
apply to
County Court
appeals.

7. The twenty-first, twenty-second, twenty-third, twenty-fourth, and twenty-fifth sections of the Court of Appeal Act shall apply to appeals from County Courts, as well as to appeals from the Superior Courts.

CHAPTER 7.

An Act relating to Division Courts in the Districts of Nipissing, Muskoka, Parry Sound, and Thunder Bay, and to amend the Division Courts Acts.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain sec-
tions of Divi-
sion Courts
Act of 1880 to
apply to dis-
trict of
Nipissing, etc.

1. The following sections of "The Division Courts Act of 1880," namely: sections two to five, both inclusive, and seven to eighteen both inclusive, and twenty to forty, both inclusive, and fifty to sixty-eight, both inclusive, shall extend and apply to the temporary judicial district of Nipissing and the territorial districts of Muskoka, Parry Sound, and Thunder Bay, and to the Division Courts held or to be held therein; but never-
theless

theless where the jurisdiction of the Division Court in any of such districts heretofore existing exceeds that conferred by the said "Division Courts Act of 1880," the latter shall not limit or reduce the existing jurisdiction, but the jurisdiction hereby conferred shall be concurrent with that heretofore given and exercised, and shall be cumulative in its effects.

(2) Notwithstanding anything in this section contained, the right of appeal as it exists under the jurisdiction now exercised by Division Courts in the aforesaid districts, shall not by this Act be altered, and such right of appeal hereby conferred shall extend only to that class of cases tried within the said districts in which an appeal may be had under the "Division Courts Act of 1880."

(3) As applied to the aforesaid districts, the words "ten days" where they appear in the eighteenth section of the "Division Courts Act of 1880," shall be read "twenty days."

(4) For the purposes of appeal in cases tried within the said districts, and as applicable to such districts, the following section shall be substituted for section nineteen of the "Division Courts Act of 1880":

19. Upon any application for a new trial in any cause wherein either party may appeal, personal service may be effected, or all papers requiring service may be served upon the clerk of the Division Court where the suit was tried, or left at his office for the person entitled thereto. The clerk shall, in such latter case, forthwith mail by registered letter all such papers so served upon him to the person entitled to the same, or his authorized agent.

2. The following words of the thirteenth section of the ninetyeth chapter of the Revised Statutes of Ontario are hereby repealed, namely: "And except that the provisions of law authorizing the signing of judgment by default for want of a notice disputing the plaintiff's claim, or authorizing the garnishment of debts or money demands, shall not apply to the said Division Courts," but the said provisions of the Division Courts Act, and of any amendments thereto, authorizing the signing of judgment by default for want of a notice disputing the plaintiff's claim, and the provisions of the said Division Courts Act, and of any amendments thereto, authorizing the garnishment of debts or money demands, shall apply to the Division Courts in the temporary judicial district of Nipissing and in the said territorial districts of Muskoka, Parry Sound, and Thunder Bay, in respect of and as such provisions shall affect any and all cases coming within the jurisdiction conferred by the Division Courts Act, or any amendments thereof, or by the "Division Courts Act of 1880."

R.S.O., c. 96,
s. 13, repealed
in part.

Inspector may grant leave of absence to clerks or bailiffs.

3. Leave of absence may be granted by the Inspector of Division Courts to any clerk or bailiff for a period not exceeding two months. In the event of leave of absence being so granted to any clerk, he may from time to time, with the approval of the Inspector of Division Courts, appoint a deputy to act for him with all the powers and privileges, and subject to like duties. He may remove such deputy at his pleasure, and the clerk and his sureties shall be jointly and severally responsible for all the acts and omissions of the deputy.

Appointment of deputy by bailiff.

4. Where a bailiff is temporarily unable to perform the duties of his office from illness, leave of absence or other temporary disability, he may from time to time, with the approval of the Inspector of Division Courts, appoint a deputy to act for him, with all the powers and privileges and subject to like duties, and may remove such deputy at his pleasure, and the bailiff and his sureties shall be jointly and severally responsible for all the acts and omissions of the deputy. No such appointment shall have force for a longer period than two months.

R.S.O., c. 47, s. 177, amended.

5. Section one hundred and seventy-seven of the Division Courts Act is amended by striking out the words "in any other county" in the sixth line thereof.

Clerk to give notice to plaintiff of return of *nulla bona* in case of execution on a transcript of judgment.

6. The clerk of every Division Court shall, immediately after *nulla bona* has been returned to any execution issued on any transcript of judgment received from another Court, forward through the post-office to the plaintiff, if his address is known, or to the clerk who issued the transcript, at his post-office address, a notice, enclosed in an envelope, informing him of the date at which the execution issued, the date at which the same was returned by the bailiff, and the return made thereto. The notice thus sent shall be prepaid and registered, and the clerk shall obtain and file among the papers in the suit the post-office certificate of such registration, and the postage and charge for registration shall be costs in the cause. The absence from amongst the papers in the suit of any such certificate of registration shall be *prima facie* evidence against the clerk that such notice has not been forwarded.

R.S.O., c. 47, s. 244, amended.

7. There shall be added to the two hundred and forty-fourth section of the Division Courts Act, the following words:—Provided that nothing herein contained shall be held to authorize the taxation or allowance of costs to any officer of the court, other than those to be found in the tariff of fees as authorized and allowed by "the Board of County Judges," under the provisions of this or any other Act.

CHAPTER 8.

An Act to amend the Jurors' Act, and the Jurors' Act of 1879.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section fifty-two of the Jurors' Act (Revised Statutes of Ontario, chapter forty-eight,) as amended by the eighteenth section of the "Jurors' Act, 1879" is hereby repealed, and the following is substituted therefor: 42 Vic., c. 14. s. 18 (substituted for R.S. O., c. 48, s. 52), repealed.

52. The number to be selected from the jurors' rolls for a jury list shall be the number of grand jurors that the county selectors have determined to be requisite for the year, and of petit jurors for the superior courts and inferior courts respectively, the number theretofore determined to be requisite as the panels for the year by the county selectors, with one-fourth the number thereof added thereto. Number to be selected for jury list.

2. Section fifty-five of the Jurors' Act is hereby amended by striking out the words "and transferred" in the fifth line. The word "transferred" shall also be omitted from the certificates in Schedule B to the said Act wherever it appears. Notwithstanding anything in the Jurors' Act the names selected by the county selectors need not be transferred from the minute book to the jurors' book in open court, but shall be copied by the clerk of the peace into the jurors' book out of court as the respective grand and petit jury lists for which they have been selected. R. S. O., c. 48, s. 55, amended.

3. Section one hundred and fifty-five of the Jurors' Act is hereby repealed, and the following is substituted therefor: Sec. 155 repealed.

155. The county selectors of jurors shall be entitled to the sum of four dollars each for each day's attendance for the purpose of selecting jurors, and for attendance and the performance of the duties under the fifth, sixth, and seventh sections of the "Jurors' Act, 1879," but when the number of grand and petit jurors to be selected does not exceed five hundred, no selector shall be entitled to be paid for a greater number of days than four, inclusive of the day of meeting, under the said fifth, sixth, and seventh sections of the "Jurors' Act, 1879." When the number to be selected exceeds five hundred, each selector actually attending shall be entitled to be paid as for one additional day for every two hundred additional names selected, and no more. Upon receipt of a certificate from the clerk of the peace for the county or union of counties that the duties required of such selectors have been duly Fees of selectors.

duly performed by them, such sum shall be paid by the treasurer of the county to every such selector of jurors.

Sec. 106,
amended.

4. Section one hundred and six of the Jurors' Act is hereby amended as follows: The word "three," where it occurs in the fifth line thereof, is hereby repealed, and the word "four" substituted therefor.

42 Vic., c. 14,
s. 6, amended.

5. Section six of the "Jurors' Act, 1879," is hereby amended by adding thereto the words "as jury panels" after the word "required," in the third line thereof.

43 Vic., c. 9,
s. 2, amended.

6. The second section of the ninth chapter of an Act passed in the forty-third year of Her Majesty's reign, intituled "An Act further to amend the Jurors' Act," is hereby repealed, and the words "by the Clerk of the Peace" therein mentioned are restored to sub-section two of the seventeenth section of the "Jurors' Act, 1879."

Presence of
crier or con-
stables at
selection by
County Board
not requisite.

7. It shall not be requisite that either a crier or constables shall be present at the selection by the County Board.

CHAPTER 9.

An Act to amend the Law of Newspaper Libel.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may for all purposes be cited as "The Newspaper Libel Act, 1882."

Interpreta-
tion.

2. In the Revised Statute respecting actions of libel and slander, and in this Act, the phrase "public newspaper or other periodical publication" shall be held to include any paper containing public news, intelligence, or occurrences, or any remarks or observations therein, printed for sale and published periodically, or in parts or numbers, at intervals not exceeding twenty-six days between the publication of any two such papers, parts or numbers; and also any paper printed in order to be dispersed and made public weekly or oftener, or at intervals not exceeding twenty-six days, and containing only, or principally advertisements.

Fair reports
of public
meetings to be
privileged.

3. Any report published in any public newspaper or other periodical publication of the proceedings of a public meeting shall

shall be privileged, if such meeting was lawfully convened for a lawful purpose and open to the public, and if such report was fair and accurate, and published without malice, and if the publication of the matter complained of was for the public benefit; provided always, that the protection intended to be afforded by this section shall not be available as a defence in any proceeding, if the plaintiff can shew that the defendant has refused to insert in the newspaper in which the report containing the matter complained of appeared, a reasonable letter or statement of explanation or contradiction by or on behalf of such plaintiff. Proviso.

CHAPTER 10.

An Act for the removal of certain defects in the Law of Evidence.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as “The Evidence Amendment Act, 1882.”

2. The words “court of justice” and the words “presiding judge,” in the fifth section of this Act, shall be deemed to include any person or persons having by law authority to administer an oath for the taking of evidence. Interpretation.

3. The parties to an action for breach of promise of marriage shall be competent to give evidence in such action: Provided always that no plaintiff in an action for breach of promise of marriage shall recover a verdict unless his or her testimony is corroborated by some other material evidence in support of such promise. Evidence in actions for breach of promise.

4. The parties to any proceeding instituted in consequence of adultery, and the husbands and wives of such parties, shall be competent to give evidence in such proceeding: Provided that in such a case the husband or wife, if competent only under and by virtue of this Act, shall not be liable to be asked or bound to answer any question tending to shew that he or she has been guilty of adultery, unless he or she shall have already given evidence in the same proceeding in disproof of his or her alleged adultery. Evidence in proceedings in consequence of adultery.

Persons who object or are incompetent to take an oath to be allowed to make a declaration.

5. If in any court of justice, any person called to give evidence in a proceeding in respect of which this Legislature has jurisdiction to enact as is in this section enacted, shall object to take an oath, or shall be objected to as incompetent to take an oath, such person shall, if the presiding judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following promise, affirmation, and declaration:

"I solemnly promise, affirm, and declare that the evidence given by me to the court shall be the truth, the whole truth, and nothing but the truth;"

And upon such person making such solemn affirmation and declaration, his evidence shall be taken in the said proceeding.

Evidence in suits wherein any person resident in Great Britain is a party.

6. In any civil suit or other proceeding relating to any debt or account (other than a suit by or on behalf of Her Majesty), wherein any person residing in Great Britain is a party, the evidence and examination of witnesses on behalf of either or any of the parties to such suit or proceeding, shall be the same, and given in the same manner as in other suits or proceedings according to the practice of the court.

R. S. O., cap. 62, secs. 6, 7, repealed.

7. The sixth and seventh sections of the Evidence Act, Revised Statutes of Ontario, chapter sixty-two, are hereby repealed.

CHAPTER 11.

An Act to make provision in regard to certain Legal Matters.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment of Commissioners for taking affidavits.

1. The President and Justices of the High Court of Justice, or any two of them, of whom the President of any Division of the said Court shall be one, are hereby authorized to issue under the seal of the Supreme Court, or until a seal is adopted for such Court under the seal of any of the Divisions of the High Court, Commissions for the purposes mentioned in the Revised Statute, chapter sixty-three, respecting Commissioners for taking affidavits and affirmations, depositions or solemn declarations; and the Revised Statute, chapter eighty, respecting Commissioners to take recognizances of bail; and the Commissioners

Commissioners so appointed shall have the same powers as Commissioners who have been appointed under said Statutes respectively, or any other Statute in that behalf; and it is further declared that all Commissions issued since the twenty-first day of August, now last past, signed by said President of the High Court, and any other Judge of said Court, are hereby declared to be valid and effectual as if issued under the authority of this enactment.

2. The judges of the Supreme Court and of the High Court respectively shall have the same authority to make Rules of Court with respect to the County Courts as, by the fifty-fourth section of the "Ontario Judicature Act, 1881," they have with respect to the High Court; and the judges authorized as mentioned in the fifty-fifth section shall, with respect to the County Courts, have the like authority. Section forty-five of the Administration of Justice Act is hereby repealed.

R.S.O., c. 49, s. 45, repealed. Authority of judges of Supreme Court and of High Court as to County Court Rules.

3. After the first day of July next, all fees payable to the consolidated revenue fund of the Province, in respect of a grant of probate or administration, shall be affixed to the order for the grant, and not to the probate or letters of administration.

Stamps for fees of probate to be attached to order for grant.

4. The restriction as to the rate of discount contained in the twentieth and twenty-first sections of the Act respecting Law Stamps, shall not apply to the officer for the sale of law stamps at Osgoode Hall.

Restriction in R.S.O., c. 21, ss. 21 and 22, limited.

5. The restriction contained in the fiftieth section of the "Superior Courts of Law Act" as to the sum to be paid as therein mentioned to the maximum of six hundred dollars, shall not apply to any case where the deputy clerk does not hold the office of Registrar of Surrogate.

Salaries of deputy clerks of the Crown.

6. Chapter eighty-four, Revised Statutes of Ontario, is hereby amended as follows:—

R.S.O., c. 84, Sheriff's Schedule, items 11, 18, amended.

(2) Item eleven of the Sheriff's Schedule is amended by adding thereto the following words: "or the Legislature."

(3) Item eighteen is amended by substituting "thirteen cents" for "ten cents" per mile.

7. Item twenty-seven, under the heading in said schedule of "For Services in the County Judges' Criminal Court," is amended by striking out the words, "and bringing up prisoner under judge's warrant, including attendance in court in all."

Item 27, amended.

8. The following shall be a separate item, namely:

27a. Bringing up prisoner before judge, to elect as to mode of trial, including attendance at court, each person, two dollars.

Item for bringing up prisoner to elect as to mode of trial.

Additional
items.

9. The following shall also be added to said schedule:—

33. Return and services in respect of inquisition on body of a prisoner dying in gaol, four dollars.

34. For general supervision over the gaols and prisoners therein, and the books kept in connection with the gaol, in addition to any other allowance, and for stationery and postage, per quarter, twenty-five dollars.

44 Vic., c. 8,
s. 3, amended.

10. The third section of the eighth chapter passed in the forty-fourth year of Her Majesty's reign is amended by adding thereto the following: "or to the Reformatory for Boys; such fees shall, in the first instance, be paid out of county funds, and the counties may be subsequently repaid from the Consolidated Revenue such proportion thereof as relates to prisoners convicted of indictable offences at the Assizes, General Sessions or County Judges' Criminal Court, or convicted by Police or Stipendiary Magistrates, under chapter forty-seven of the Statutes of Canada, passed in the thirty-eighth year of Her Majesty's reign."

R.S.O., c. 86,
amended.

11. Chapter eighty-six, Revised Statutes of Ontario, is hereby amended as follows:—

(2) Schedule "Sheriffs."

(3) Item eleven is amended by inserting after the word "Government" in the first line, the following: "or the Legislature."

Item 25 in
schedule,
amended.

12. Item twenty-five in the Schedule "For services in the County Judges' Criminal Court," is amended by striking out the following words: "and bringing up prisoner under judge's warrant, including attendance at court."

Additional
items.

13. The following shall be added to said schedule:

25a. Bringing up prisoners before judge to elect as to mode of trial, including attendance at court, each person, two dollars.

31. For general supervision over the gaol and prisoners therein, and the books kept in connection with the gaol, in addition to any other allowance, and for stationery and postage, per quarter, twenty-five dollars.

Above items
not to apply to
certain
sheriffs.

14. So much of this Act as relates to the expenses of administration of justice shall not apply to any county where, by the return of the sheriff of such county of his fees and emoluments to the Lieutenant-Governor, or to any department of the Government, for the year 1881, it is shewn, after deducting the disbursements stated in such return, that the fees and emoluments of such sheriff, from his office, exceed \$1,500 for the said year. When such returns of any sheriff are for a part of the year only, then the return for the year

1880 shall be taken instead of that for the year 1881, for the purpose of determining whether such fees and emoluments exceed the said sum of \$1,500.

15. The Lieutenant-Governor in Council may direct and appoint that any sheriff not now paid, wholly or in part, by salary, and whose income from the fees and emoluments of his office, as the same appears by the returns to the Lieutenant-Governor, or to any department of the Government, for the year 1881, after deducting necessary disbursements, does not exceed the sum of five hundred dollars, may be paid annually a sum not exceeding four hundred dollars per annum; and that any other sheriff whose income, as aforesaid, does not exceed eight hundred dollars may be paid a sum not exceeding two hundred dollars per annum. When such returns of any sheriff are for a part of the year only, then the return for the year 1880 shall be taken instead of that for the year 1881, for the purpose of determining whether such fees and emoluments exceed the said sum in this section mentioned.

Payments to
sheriffs.

CHAPTER 12.

An Act respecting the Restitution of Stolen Goods.

[Assented to 10th March, 1882.]

WHEREAS it often happens that property supposed or alleged to be stolen is found in possession of a person who is afterwards convicted of felony, or misdemeanour, in stealing, taking, obtaining, extorting, embezzling, appropriating, converting or disposing of, or in knowingly receiving other chattels, money, valuable security, or other property, and one or more other charge or charges is or are pending against such prisoner, and there is no intention of proceeding upon such other charge or charges, because of such person having been convicted as aforesaid, and because no additional punishment would be imposed if additional convictions were obtained; and whereas it is expedient in such case to give to the owners or other persons entitled to the possession of the property a summary remedy for the recovery thereof;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. If in such a case the counsel acting for the Crown intimates that the Crown does not intend to proceed upon any charge in respect of the property so found in the prisoner's possession as first aforesaid, the judge before whom the prisoner

Order for delivery of property.

soner was convicted may, upon the application of the prosecutor or of any other person claiming the property, summarily try at the same sittings of the court or at any subsequent time, the right of the prisoner and of the claimant to the said property; and if the judge finds that the claimant is the owner or is entitled to the possession thereof, he may order the property to be delivered to the claimant, and the order shall be an absolute protection to any officer or other person who has the custody of the property in delivering the same as directed by the order.

Right of person convicted not barred by order.

2. Nothing herein contained shall be held to bar the right of the person convicted to take proceedings for the recovery of the property against the person receiving the same under the order; and the judge may, if he thinks fit, require the person in whose favour the order is made to give security for the return of the property to the person so convicted, in case the latter should thereafter be held to be entitled thereto.

When order for restitution not to be made.

3. If, before any order is made, it appears that any valuable security so found in a prisoner's possession has been *bonâ fide* paid or discharged by some person liable to the payment thereof, or, being a negotiable instrument, has been *bonâ fide* taken or received by transfer or delivery by some person for a just and valuable consideration, without any notice, or without any reasonable cause to suspect, that the same had by any felony or misdemeanour been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, in such case the Court shall not order the restitution of the security.

Application of Act.

4. Nothing in this Act contained shall apply to the case of a prosecution of any trustee, banker, merchant, attorney, factor, broker, or other agent intrusted with the possession of goods or documents of title to goods, for any misdemeanour against the Act of the Parliament of Canada passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "An Act respecting Larceny and other similar offences."

Right of Crown preserved.

5. Nothing herein contained shall be construed as intended to affect the right of the Crown to claim any property as forfeited for felony.

CHAPTER 13.

An Act to amend the Act respecting Ferries.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where a ferry is required over any stream or other water within Ontario, and the two shores of such stream or other water are in different counties, the Lieutenant-Governor may, instead of granting the license to a minor municipality, grant the same to either of the counties or to both jointly, or to one of them jointly with a city or town, or in the manner provided by the fourth section of the Revised Statute respecting ferries, as he may consider most conducive to the public interest.

Municipalities to which licenses for ferries may be granted.

2. Where a license is granted to any two municipalities jointly, no by-law of the council of one of such municipalities with respect to such ferry shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the other council.

By-laws by municipalities to which license granted.

3. The eighth section of the Revised Statute respecting ferries is hereby repealed.

R. S. O., c. 112, s. 8, repealed.

CHAPTER 14.

An Act for protecting the Public Interest in Rivers, Streams and Creeks.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So far as the Legislature of Ontario has authority so to enact, all persons shall, subject to the provisions in this Act contained, have, and are hereby declared always to have had, during the spring, summer and autumn freshets, the right to, and may float and transmit saw-logs and all other timber of every kind, and all rafts and crafts, down all rivers, creeks and streams in respect of which the Legislature of Ontario has authority

All persons entitled to use rivers for floating down timber and saw-logs.

authority to give this power ; and in case it may be necessary to remove any obstruction from such river, creek, or stream, or construct any apron, dam, slide, gate-lock, boom, or other work therein or thereon, necessary to facilitate the floating and transmitting such saw-logs and other timber, rafts, or crafts, down the same, then it shall be lawful for the person requiring so to float and transmit such saw-logs and other timber, rafts and crafts, and it is hereby declared always to have been lawful to remove such obstruction, and to construct such apron, dam, slide, gate-lock, boom or other work necessary for the purposes aforesaid, doing no unnecessary damage to the said river, creek or stream, or to the banks thereof.

Right to use
rivers on which
improvements
have been
made for the
purpose of
floating down
timber.

2. In case any person shall construct in or upon such river, creek, or stream, any apron, dam, slide, gate-lock, boom or other work necessary to facilitate the floating or transmission of saw-logs or other timber, rafts or crafts down any such river, creek or stream which was not navigable or floatable before such improvements were made, or shall blast rocks or remove shoals or other impediments, or otherwise improve the floatability of such river, creek or stream, such person shall not have the exclusive right to the use of such river, creek or stream, or to such constructions and improvements ; but all persons shall have, during the spring, summer and autumn freshets, the right to float and transmit saw-logs and other timber, rafts and crafts, down all such rivers, creeks or streams, and through and over such constructions and improvements, doing no unnecessary damage to the said constructions and improvements, or to the banks of the said rivers, creeks or streams, subject to the payment to the person who has made such constructions and improvements, of reasonable tolls.

Foregoing
provisions to
apply whether
land patented
or not.

3. The foregoing sections, and all the rights therein given, and all the provisions therein made and contained, shall extend and apply to all rivers, creeks and streams, mentioned in the first section of this Act, and to all constructions and improvements made therein or thereon, whether the bed of such river, creek or stream, or the land through which the same runs, has been granted by the Crown or not, and if granted by the Crown, shall be binding upon such grantees, their heirs, executors, administrators and assigns.

Lieutenant-
Governor in
Council may
fix tolls.

4. The Lieutenant-Governor in Council may fix the amounts which any person entitled to tolls under this Act shall be at liberty to charge on the saw-logs and different kinds of timber, rafts or crafts, and may from time to time vary the same ; and the Lieutenant-Governor in Council, in fixing such tolls shall have regard to, and take into consideration, the original cost of such constructions and improvements, the amount required to maintain the same, and to cover interest upon the original cost, as well as such other matters as under all the circumstances may to the Lieutenant-Governor in Council seem just and equitable.

5. The foregoing provisions of this Act shall apply to all such constructions and improvements as may hitherto have been made, as well as to such as may be in course of construction, or shall hereafter be constructed.

Provisions of Act to apply to all constructions now or hereafter made.

6. Every person entitled to tolls under this Act shall have a lien upon the saw-logs or other timber passing through or over such constructions or improvements for the amount of such tolls, such lien to rank next after the lien (if any) which the Crown has for dues in respect to such logs or timber, and if such tolls are not paid, any justice of the peace having jurisdiction within or adjoining the locality in which such constructions or improvements are, shall, upon the oath of the owner of such constructions or improvements, or upon the oath of his agent, that the just tolls have not been paid, issue a warrant for the seizure of such logs or timber, or so much thereof as will be sufficient to satisfy the tolls, which warrant shall be directed to any constable, or any person sworn in as a special constable for that purpose, at the discretion of the magistrate, and shall authorize the person to whom it is directed, if the tolls are not paid within fourteen days from the date thereof, to sell, subject to the lien of the Crown (if any), for dues, the said logs or timber, and out of the proceeds to pay such tolls, together with the costs of the warrant and sale, rendering the surplus on demand to the owner: Provided always that the authority to issue such warrant by such justice of the peace shall not exist after the expiration of one month from the time of the passage of such logs or timber through or over any of such constructions or improvements.

Persons making improvements to have lien for tolls.

Proviso.

7. Nothing in this Act contained shall be construed as interfering with the powers or rights of any company formed under the Act respecting Joint Stock Companies for the construction of works to facilitate the transmission of timber down rivers and streams, being chapter one hundred and fifty-three of the Revised Statutes of Ontario, or with mill-dams, or the right to erect and maintain mill-dams on streams; and the law respecting mills and mill-dams, being chapter one hundred and thirteen of the Revised Statutes of Ontario, and any other law conferring rights in mill-dams, shall remain the same as if this Act had not been passed.

Rights of companies formed under R.S.O., c. 153, not affected.

8. All persons driving saw-logs or other timber, rafts or crafts, down any such river, creek or stream, shall have the right to go along the banks of any such river, creek or stream, and to assist the passage of the timber over the same by all means usual amongst lumbermen, doing no unnecessary damage to the banks of the said river, creek or stream.

All persons driving logs etc., to have the right to go on river banks.

9. Every person entitled to tolls under this Act may make rules and regulations for the purpose of regulating the safe and orderly transmission of saw-logs, timber, rafts and crafts

Person entitled to tolls may make rules crafts

regulating
transmission
of timber.

crafts over or through such constructions or improvements ; but no such rules or regulations shall have any force or effect until approved of by the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may revoke and cancel such rules and regulations so made and approved, and from time to time approve of new rules and regulations which the person so entitled to tolls as aforesaid, shall have the power to make.

Costs of pend-
ing suits.

10. If any suit is now pending, the result of which will be changed by the passage of this Act, the court or any judge of such court having authority over such suit, or over the costs, may order the costs of the suit, or any part thereof, to be paid by the party who would have been required to pay such costs if this Act had not been passed.

CHAPTER 15.

An Act to make further provision respecting the
Lien of Mechanics and Labourers.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as the "Mechanics' Lien Act, 1882."

Lien for 30
days' wages.

2. Every mechanic, labourer, or other person, who performs labour for wages upon the construction, alteration, or repair of any building or erection, or in erecting or placing machinery of any kind in, upon, or in connection with, any building, erection, or mine, shall, to the extent of the interest of the owner as that term is interpreted by the "Mechanics' Lien Act," have, upon such building, erection, or mine, and the land occupied thereby or enjoyed therewith, a lien for such wages, not exceeding the wages of thirty days, or a balance equal to his wages for thirty days. This is not to prejudice any lien which any such person may have under the said "Mechanics' Lien Act."

Lien not to be
excluded by
agreement be-
tween owner
and contractor.

3. The lien given by the preceding section shall operate notwithstanding any agreement between the owner and contractor for excluding a lien, and notwithstanding that the labour is in respect of a building, erection, or mine which belongs to the wife of the person at whose instance the work is done.

4. In case of there being a contract for the construction, alteration, repair, erecting or placing aforesaid, the said lien for wages shall, to the extent of ten per cent. of the price to be paid to the contractor, have priority over all other liens under the said Act, and over any claim by the owner against the contractor for, or in consequence of, the failure of the latter to complete his contract.

Priority of
lien.

5. In case of there being such a contract, as aforesaid, if any person other than the contractor has performed labour or supplied materials on or for the execution of the contract, the owner shall, in the absence of a stipulation to the contrary, be entitled to retain, for a period of thirty days after the completion of the contract, ten per centum of the price to be paid to the contractor.

Owner may
retain 10 per
cent. of con-
tract prices in
certain cases.

6. To obtain the benefit of this Act, the proceedings to realise the lien hereby provided for may be instituted, and the lien registered, at any time (1) within thirty days after the last day's labour for which the wages are payable, or (2) within thirty days after the completion of the construction, alteration or repair of the building or erection, or after the erecting or placing of the machinery, in or towards which, respectively, the labour was performed and the wages earned, but so that the whole period shall not exceed sixty days from the last day's labour aforesaid; and the lien shall not continue after the said respective periods unless the same is duly registered before the expiration of the said periods so limited.

Time for
instituting
proceedings.

7. Sections twenty and twenty-one of the said "Mechanics' Lien Act" shall apply to any lien given by this Act, save as its provisions have been varied by the preceding section.

Application of
R.S.O., c. 120,
ss. 20, 21.

8. The statement of claim may include the claims of any number of mechanics, labourers, or other persons aforesaid, who may choose to unite in the statement; in such case the statement of each claimant is to be verified by his affidavit.

Several claims
may be inclu-
ded in one
statement.

9. The statement of claim registered under this Act may be in the form A or B, appended to this Act.

Form of
statement of
claim.

10. The affidavit of verification required by the fourth section of the "Mechanics' Lien Act" need not repeat the facts set out in the statement of claim; and an affidavit substantially in accordance with form C, appended to this Act, shall be sufficient.

Form of affi-
davit of veri-
fication.

11. The Registrar shall not be bound to copy in any registry book any statement or affidavit required or authorized by the "Mechanics' Lien Act," or this Act, but he shall number each statement, and shall insert in the alphabetical and abstract indexes the like particulars as in other cases. He may describe

Registration of
statements,
etc.

describe the nature of the instrument as "Mechanics' Lien." His fee for the registration shall be twenty-five cents. If several persons join in one statement the Registrar shall have a further fee of ten cents for every person after the first.

Time when
sale may be
made.

12. In case of a sale of the estate and interest charged with the lien, the court or judge may direct the sale to take place at any time after one month from the recovery of judgment, and it shall not be necessary to delay the sale for a longer period than is requisite to give reasonable notice thereof.

Mortgaged
lands.

13. In case the land upon or in respect of which any such work as aforesaid is executed, or labour performed, is incumbered by a prior mortgage or other charge, and the selling value of the land is increased by the construction, alteration or repair of the building, or by the erection or placing of the machinery, the lien under this Act shall be entitled to rank upon such increased value in priority to the mortgage or other charge.

Costs.

14. Where judgment is given in favour of a lien, the court or judge may add to the judgment the costs of and incidental to registering the lien, as well as the costs of the suit.

Discharge of
liens.

15. A lien for wages may be discharged by a receipt signed by the claimant, acknowledging payment, and verified by affidavit and filed. Such receipt shall be numbered and entered by the Registrar, like other instruments, but need not be copied in any book. The fees shall be the same as for registering a statement of claim.

Cost of
registering
discharge.

16. Where there was a contract for the execution of the work, as hereinbefore mentioned, the registration of all discharges of liens for wages shall be at the cost of the contractor, unless a court or judge otherwise orders.

This Act and
R.S.O., c. 120,
to be construed
as one Act.

17. This Act shall be construed as one Act with the "Mechanics' Lien Act," and the lien herein given shall be enforced under the provisions of the said Act, as amended by this Act.

SCHEDULE.

FORM A.

(Section 9.)

STATEMENT OF CLAIM OF LIEN FOR WAGES.

A. B. of _____, under the Mechanics' Lien Acts, claims a lien upon the lands hereinafter mentioned in respect of _____ days' work performed thereon while in the employment of E. F.
The amount claimed as due is the sum of \$ _____.

The

The description of the land to be charged is as follows :

[*Description of land.*]

Dated at this day of , A.D. 18 .

FORM B.

(*Section 9.*)

STATEMENT OF CLAIM OF LIEN FOR WAGES BY SEVERAL CLAIMANTS.

The following persons, under the Mechanics' Lien Acts, claim a lien upon the lands hereinafter mentioned in respect of wages for labour performed thereon while in the employment of *E. F.*

<i>A. B.</i> \$	for	days' wages.
<i>C. D.</i> \$	for	days' wages.
<i>E. F.</i> \$	for	days' wages.

The description of the land to be charged is as follows :

[*Description of land.*]

Dated at this day of , A.D. 18

FORM C.

(*Section 10.*)

AFFIDAVIT OF TRUTH OF CLAIM.

I, *A. B.*, named in the above (*or annexed*) statement of claim do make oath that the said statement is true (*or that the said statement, so far as relates to me, is true*).

Or, We, A. B. and C. D., named in the above (*or annexed*), statement do make oath, and each for himself saith that the said statement, so far as relates to him, is true.

Sworn before me at , in }
the County of this day }
of , A.D. 188 .

Or, The said A. B. and C. D. were }
severally sworn before me at }
in the County of A.D. 188 }

Or, The said E. D. was sworn be- }
fore me at in the County of }
this day of A.D. 188 }

CHAPTER 16.

An Act to amend the Act respecting the rights and liabilities of Innkeepers.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O., c.
147, s. 2,
amended.

Section two of chapter one hundred and forty-seven of the Revised Statutes is hereby amended by adding thereto the following sub-section:—

Lien on horses,
etc., and power
to sell.

(2) Where an innkeeper, boarding-house keeper, lodging-house keeper or livery stable keeper, has by law a lien upon a horse or other animal for the price or value of any food or accommodation supplied to such animal, or for care or labour bestowed thereon, he shall in addition to all other remedies provided by law, have the right, in case any part of such price or value remains unpaid for the space of two weeks, to sell by public auction such horse or other animal on giving two weeks' notice by advertisement in a newspaper published in the municipality in which such inn, boarding-house, lodging-house, or livery stable is situate, or in case there is no newspaper published in such municipality, in a newspaper published nearest to such inn, boarding-house, lodging-house, or livery stable, of such intended sale, stating (if known) the name of the person or persons who brought such horse or other animal to such inn, boarding-house, lodging-house, or livery stable, the amount of the indebtedness, a description of the horse or other animal, and the name of the auctioneer; and after such sale, such innkeeper, boarding-house keeper, lodging-house keeper or livery stable keeper may apply the proceeds thereof in payment of the amount due to him in respect of food or accommodation supplied, or care or labour bestowed as aforesaid, and the costs of such advertisement and sale, and shall pay over the surplus, if any, to the person entitled thereto on application being made by him therefor.

CHAPTER 17.

An Act to confer additional powers upon Joint Stock Companies.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as “The Joint Stock Companies’ Short title. Act, 1882.”

FIRST PART.

2. Wherever any company incorporated under any special Act or under “The Ontario Joint Stock Companies’ Letters Patent Act” is authorized to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor, or committee of a lunatic, then in case the Lieutenant-Governor in Council shall approve of such company being accepted by the High Court of Justice as a Trusts Company for the purposes of such court, the said court, or any judge thereof, and every other court or judge having authority to appoint such an officer may, if the court or judge think fit, with the consent of the company, appoint such company to exercise any of the said offices in respect of any estate, or person, under the authority of such court, or judge, or may grant to such company probate of any will in which such company is named an executor; but no company which has issued, or has authority to issue, debentures shall be approved as aforesaid.

Provisions as to companies authorized to act as trustee, etc.

(2) Notwithstanding the provisions of the sixty-sixth section of the Chancery Act, or any provision of any other Act requiring that security, or security of any special character, shall be taken, it shall not be requisite for any court, or judge, appointing any such company approved as aforesaid, or for any court granting probate to such company as executor, to require the said company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, assignee, guardian or committee.

(3) The Lieutenant-Governor in Council may revoke the approval given under this section, and no court, or judge, after notice of such revocation, shall appoint any such company to be an administrator, trustee, receiver, assignee, guardian, or committee, unless such company gives the like security for the due performance of its duty as would be required from a private person.

(4) The liability of the said company to persons interested in an estate held by the said company as executor, administrator, trustee, receiver, assignee, guardian, or committee as aforesaid, shall be the same as if the said estate had been held by any private person in such capacities respectively, and its powers shall be the same.

(5) The High Court, if it deems necessary, may from time to time appoint a suitable person to investigate the affairs and management of such company, who shall report thereon to such court, and regarding the security afforded to those by or for whom its engagements are held, and the expense of such investigations shall be defrayed by the said company; or the court may, if it deems necessary, examine the officers or directors of the said company under oath as to the security aforesaid.

(6) The Lieutenant-Governor may also from time to time, when he deems it expedient, appoint an inspector to examine the affairs of the said company, and report to him on the security afforded to those by and for whom its engagements are held as aforesaid; and the expense of such investigation shall be borne by the said company.

(7) Every court into which money is paid by parties, or is brought by order or judgment, may by order direct the same to be deposited with any such company that may agree to accept the same, and the company may pay any lawful rate of interest on such moneys as may be agreed upon, and when no special arrangement is made, interest shall be allowed by the company at the rate of not less than three per centum annually.

(8) Every such company may invest any trust moneys in its hands in any securities in which private trustees may by law invest trust moneys, and may also invest such moneys (a) in the public stock funds or Government securities of any of the Provinces of the Dominion, or in any securities guaranteed by the United Kingdom of Great Britain and Ireland, or by the Dominion, or by any of the said Provinces; (b) in the bonds or debentures of any municipal corporation in any of the said Provinces.

Provided that such company shall not in any case invest the moneys of any trust in securities prohibited by the trust, and shall not invest moneys intrusted to it by any court in a class of securities disapproved of by the court.

Application of
R. S. O., c. 150,
ss. 65, 66.

3. The sixty-fifth and sixty-sixth sections of the Joint Stock Companies' Letters Patent Act shall apply to any company which may have been incorporated after the passing of the said Act, or may be hereafter incorporated, for any purpose or object within the scope of the said Act, or within the scope of the said Act as such Act has been or may be hereafter amended.

so long as the company applying for re-incorporation is at the time of its application a subsisting and valid corporation; and the said sections shall be construed as if the provisions of this section had been contained in the said Act at the time of the passing thereof.

4. Where any company has been heretofore incorporated by a special Act, for purposes or objects within the scope of the said Joint Stock Companies' Letters Patent Act, then, in case a resolution authorizing an application to the Lieutenant-Governor therefor is passed by a vote of not less than two-thirds in value of the shareholders present, in person or by proxy, at a general meeting of the company, duly called for considering the subject of such resolution, the Lieutenant-Governor in Council may from time to time direct the issue of Letters Patent to the company embracing any or all of the following matters :

Letters Patent for certain purposes may be granted to companies incorporated under special Acts.

(a) Extending the powers of the company to any objects within the scope of the said Letters Patent Act, which the company may desire ;

(b) Limiting or increasing the amount which the company may borrow upon debentures or otherwise ;

(c) Providing for the formation of a reserve fund ;

(d) Varying any provision contained in the special Act, so long as the alteration is not contrary to the provisions of the said Letters Patent Act ;

(e) Making provision for any other matter or thing in respect of which provision might have been made had the company been incorporated under the said Letters Patent Act.

(2) No power to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor, or committee of a lunatic, shall be conferred under this section upon any company which has authority to issue debentures ; and no company, incorporated under the Joint Stock Companies' Letters Patent Act, with power to execute such office, shall issue debentures.

(3) The list and summary required by the forty-ninth section of the said Joint Stock Companies Letters Patent Act shall hereafter be only required in duplicate, and one of the duplicate lists and summaries shall be deposited with the Provincial Secretary within the time by the said section limited, and the other shall be kept posted in the manner required by the said Act.

5. The seventeenth, eighteenth, and nineteenth sections of the said Joint Stock Companies' Letters Patent Act, and the first section of the Act passed in the forty-fourth year of Her Majesty's reign, intituled " An Act to extend the powers of Companies

Application of R. S. O., c. 150, ss. 17-19, and of 44 Vic. c. 18, s. 1.

Companies incorporated under the Joint Stock Companies' Letters Patent Act," shall apply to every company which has been heretofore incorporated by a special Act for purposes or objects within the scope of the said Joint Stock Companies' Letters Patent Act.

(2) Where application is made to the Lieutenant-Governor for the issue of Supplementary Letters Patent confirming a by-law increasing or decreasing the capital stock of the company, or subdividing the shares, and the capital of such company, or such capital as increased, does not exceed three thousand dollars, the Lieutenant-Governor may dispense with the insertion in the *Ontario Gazette* of a notice of such application.

SECOND PART.

Application of
Second Part of
Act.

6. The second part of this Act shall apply to every company and association whose incorporation and the affairs thereof, in the particulars hereinafter mentioned, are under the authority of the Legislature of Ontario, where the shareholders or members of the company are entitled to the profits of the business of such company.

Meaning of
"special
resolution."

7. The expression "special resolution" shall have in such part the same meaning as it has in "The Joint Stock Companies' Winding-up Act" (1878).

Authority
given by
special reso-
lution.

8. Where a company has passed a special resolution authorizing any of the acts hereinafter allowed, the directors and officers may act in accordance with the terms of such resolution, subject to the provisions of this Act.

Resolution for
reduction of
capital.

9. The company may by such resolution direct that proceedings be taken to distribute the proceeds of all the assets of the company amongst the shareholders after payment of the debts of the company, or that proceedings be taken to reduce the capital :

(1) Either by paying off the shares of such persons as may elect to be paid off at a rate fixed by such resolution, or to be determined in accordance with a plan therein specified ;

(2) Or by paying off a certain fixed proportion of all the shares.

Notice of
resolution.

10. The company shall thereupon give notice (Form A) of such resolution in the *Ontario Gazette* and in some newspaper published in the city of Toronto, and in some other newspaper published where the chief place of business of the company in Ontario is situate, if any newspaper is published in such place.

(2) Such notice shall also state that after some day to be therein named, and which shall not be earlier than three months

months from the first publication of such notice in the *Gazette*, the company will act upon such resolution.

(3) Such notice shall also call upon all creditors of the company to file their claims against the company forthwith, whether such claims are or are not then due.

(4) Where the company has no place of business in Ontario, or its chief place of business is in Toronto, it will be sufficient if the notice is published in the *Gazette* and in one Toronto newspaper.

(5) The said notice shall be published in the *Gazette* and in each of the said newspapers (where publication in more than one is required) at least six times during the said period of three months, and in computing such six times no two publications shall be counted which occur in the same week.

11. Upon the arrival of the day appointed, or so soon thereafter as conveniently may be, the officers of the said company may act in accordance with the terms of the said resolution: When resolution may be carried into effect. Provided (1) either that the company has no creditors, and a statement (Form B) upon the oath or solemn affirmation of the chief executive officer and of the treasurer of the company stating their belief of this fact, is filed with the clerk of the county or district court of the county or district where the chief office of the company is situated; (2) or the consent of the company's creditors to the resolution being acted upon has been procured in writing, and a statement under oath or solemn affirmation of the said officers, containing the particulars set forth in Form C appended to this Act, is filed with the said clerk.

12. Provided always, that where any such company has before the passing of this Act, at a general meeting of the shareholders thereof called and held as prescribed by section ten of chapter one hundred and sixty-four of the Revised Statutes of Ontario (with notice that the meeting was called for the purpose of considering the resolution hereinafter mentioned), unanimously passed a resolution that proceedings should be taken for the reduction of the capital of the company, by paying off a certain fixed proportion of all the shares, the officers of the company may (after the passing of this Act), act in accordance with the terms of such resolution, provided the company has no creditors, and that (a statement in Form B, upon the oath or solemn affirmation of the chief executive officer and of the treasurer of the company, stating their belief of this fact, is filed with the clerk of the county or district court of the county or district where the chief office of the company is situate). Provision as to companies which have resolved on a reduction of capital before the passing of this Act.

13. No officer of any such company shall make or authorize any payment by virtue of such resolution until one or other Liability of officers for payments of

improperly
made under
resolution.

of the said statements has been filed as aforesaid, or without the consent of every creditor of the company, so long as to his knowledge any debt, whether the same is due or not, or any accrued liability of the company remains unsatisfied, and any officer who violates the provisions of this section shall, besides being subject to such criminal punishment as is authorized for his offence, be liable personally for the amount of such unsatisfied claim or accrued liability to the creditor or other person entitled to claim from the company.

Liability of
shareholders
for moneys
received under
resolution.

14. Every shareholder receiving any moneys under any such resolution shall, to the extent of the moneys so received, remain liable for any debts or liabilities of the company then in fact existing, and upon the winding up of such company by judicial process, every such person, his executors or administrators, may be required to contribute to that extent towards the payment of any such debts or liabilities after the other assets of the company have been exhausted; but no executor or administrator shall be held so liable unless at the time he receives notice of the assessment he has in his hands assets applicable thereto or subsequently receives such assets.

Restriction on
insurance
companies, etc.

15. No insurance or guarantee company, or other company carrying on business of a like nature, shall pay off any part of its capital stock under this Act until every policy, and every instrument having the effect of a policy, given by such company has expired, or been terminated, and, in the case of such a company, this fact shall be stated in the statement (Form B or C) filed as aforesaid.

Distribution of
assets by com-
panies whose
capital not
divided into
shares.

16. Any company or association of such a character that the members thereof are entitled to the profits accruing from its business, may, notwithstanding¹ its capital is not divided into shares, take the proceedings authorized by this Act in order to distribute the proceeds of all the assets of the company among its members, but no such company or association shall pass any resolution for any of the other purposes contemplated by the ninth section of this Act.

Resolution to
reduce par
value of shares
not to affect
amount pay-
able on such
shares.

17. Where the capital of any company has become impaired and the shareholders pass a special resolution to reduce the par value of the shares of such company, such shares shall thereupon be reduced in accordance with the terms of such resolution, provided that such resolution shall not in any wise affect the amount still remaining payable upon the shares, but the same amount shall, except as to a double or other additional liability, continue to be payable in respect of every share as if such resolution had not been passed; and in case by virtue of the charter or Act of incorporation of such company or of any general or other Act affecting the same, a double, or other additional, liability is cast upon the shareholders, the same proportionate liability shall continue, that is to say, if the liability

liability was a double liability, the shareholders shall, as to new creditors, be liable for double the amount of the stock at its reduced value, and in like manner for any other proportion, but in respect of persons who are creditors at the time of such reduction the liability of the shareholders shall continue as if such reduction had not taken place.

18. Wherever a reduction is had under the preceding section a notice thereof (Form D) shall be published at least once a week for six weeks in the manner hereinbefore provided as to notice A. Notice of reduction of par value of shares.

19. Where any company, acting under the provisions of this Act, has reduced its capital, every advertisement, circular, or other document thereafter issued by such company, or any of its officers, containing a statement of the capital of the company shall state such capital at the amount to which it has been reduced. Where capital reduced advertisements of company to state same as reduced.

JOINT STOCK CEMETERY COMPANIES.

20. Section one of the Act respecting Cemetery Companies, chapter one hundred and seventy of the Revised Statutes, is hereby repealed, and the following substituted therefor: R. S. O., c. 170, s. 1, repealed.

1. Any number of persons, not less than ten, may form themselves into a company for the purpose of establishing one or more public cemeteries: Provided always that such cemetery or cemeteries be without the limits of any incorporated village, town, or city. Not less than ten persons may form a cemetery company.

21. Section two of the said Act respecting Cemetery Companies is amended by striking out the word "twenty," in the first line thereof, and substituting the word "ten" therefor. Sec. 2, amended.

22. In case any company which has been or may be hereafter incorporated under the Revised Statutes respecting Cemetery Companies, or under the Act passed in the forty-third year of Her Majesty's reign, intituled "An Act respecting the incorporation of Cemetery Companies by Letters Patent," should, either on account of the burial of bodies in the locality being prohibited by the municipal authorities, or for any other reason, desire to be wound up, then, if no lot has been sold for the purpose of burial, or if such lots have been sold, then with the written consent of all the persons to whom lots have been sold, or of their heirs, or in case any such heir is a minor or insane, then with the assent of the heirs who are of full age and who are of sound mind, the company may be wound up, under the provisions of the ninth section of this Act, or proceedings may be taken to have the company wound up, under the "Joint Stock Companies' Winding-up Act." Winding up of Cemetery companies.

(2) All the real and personal property of such company may thereupon be sold by the officers of the company, or by the liquidators, and the proceeds, after payment of all claims against the company, distributed amongst the shareholders. The property so sold shall be freed and discharged from all trusts arising on account of their having been held for the purposes of a cemetery or cemetery company, but nothing herein contained shall be construed to authorize a distribution amongst shareholders of the proceeds of lands devised or conveyed by way of gift to the company, in trust for the purposes of a cemetery, but the proceeds of such lands shall be applied to such municipal or charitable purposes as the donor of the lands, if he is then living, or if he is dead as the Lieutenant-Governor in Council or the High Court of Justice, may direct.

(3) Sections twenty-five, twenty-six, twenty-seven and thirty-one of the Ontario Joint Stock Companies' Letters Patent Act, shall apply to all companies incorporated under the said Act respecting the incorporation of Cemetery Companies by Letters Patent.

SCHEDULE OF FORMS.

FORM A.

[Section 10.]

Notice is hereby given that the [*insert name of Company*] has, by a special resolution passed by the shareholders of the said company, resolved to [*set out the substance of the resolution*].

The company will act upon the said resolution upon the day of next.

All creditors of the company are hereby required to file their claims against the company forthwith, whether such claims are or are not now due.

A. B.

Secretary.

Date &c.

FORM B.

[Sections 11, 12, and 15, *First Method*.]

I, A. B., of the in the County of make oath and say [*or solemnly affirm, as the case may require*],

1. I am the [*here insert title of office*] of the [*name of company*], and I am the Chief Executive Officer of the said company, and, as such officer, have the supervision and management of the business of the said company.

2.

2. I verily believe the said company is not indebted to any person or persons, or to any company, association or corporation whatsoever, and I verily believe that no person, company, association or corporation has any right of action whatever against the said [name of company].

[In the case of insurance or guarantee companies, or other company carrying on business of a like nature, the following paragraph is to be added :]

3. Every policy, and every instrument having the effect of a policy, given by the said company has expired or been terminated.

Sworn &c.

N.B.—The statement by the Treasurer of the company will be identical with the above, except as to the paragraph setting forth the office held.

FORM C.

[Sections 11 and 15, Second Method.]

I, C. D., of the _____ in the County of _____

make oath and say [or solemnly affirm, as the case may require],

1. I am the [here insert title of office] of the [name of company], and I am the Chief Executive Officer of the said company, and, as such officer, have the management and supervision of the business of the said company.

2. I verily believe that the said company is not indebted to any person or persons, or to any company, association, or corporation whatsoever, except those whose names appear in the schedule which is hereto annexed, and every such person, company and association has contented, in writing, to the following resolution being acted upon, that is to say [here set out the resolution].

3. I verily believe that no person, company, association or corporation, except such as are named in the said schedule, has any right of action whatever against the said company.

[In the case of insurance or guarantee companies, or other company carrying on business of a like nature, the following paragraph is to be added :]

4. Every policy, and every instrument having the effect of a policy, given by the said company, has expired or been terminated.

Sworn &c.

N.B.—The statement by the Treasurer of the company will be identical with the above, except as to the paragraph setting forth the office held.

FORM D.

[Section 18.]

Notice is hereby given that the [name of company], has by a special resolution passed by the shareholders of the said company, reduced the capital of the company from \$ _____ to \$ _____, and has reduced the par value of each share of the said company from \$ _____ to \$ _____.

A. B.,
Secretary.

Date &c.

CHAPTER 18.

An Act to Extend the Powers of Companies for supplying Cities, Towns and Villages with Gas and Water.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Municipality may grant to company certain compulsory powers.

1. In case any water company, incorporated under the Revised Statute respecting joint stock companies for supplying cities, towns, and villages with gas and water, desire to exercise any of the compulsory powers conferred upon municipal corporations by the fourth, tenth, eleventh and thirteenth sections of the "Municipal Water-works Act, 1882," and if the council of the municipality declare by by-law that it is necessary in the public interest of such municipality that the powers proposed to be exercised should be exercised by such company, the said company may, subject to the provisions of the said Act as to compensation, exercise any of such powers; and in applying the provisions of the said Act the company shall be substituted for the municipal corporation.

Particulars to be stated in by-laws.

2. The power or powers to be exercised, and the property or properties in respect to which it or they is or are to be exercised, shall be specifically mentioned in any by-law passed under this Act.

Municipalities may acquire works of company on payment therefor.

3. In case a by-law is passed with the assent of the rate-payers declaring that it is expedient in the interests of any city, town or village to acquire the works of a company, hereafter incorporated for the purpose of supplying such city, town or village with gas or water, the corporation may thereupon, by its officers, take possession of the works of the said company and all property used in connection therewith for the purposes of supplying gas or water, whether such works and property, or any of them are within or without the municipality, and shall pay therefor at a valuation to be determined by arbitration in accordance with the provisions of the Municipal Act, subject to the provisions hereinafter contained.

Mode of computing value.

4. The arbitrators in determining the amount to be paid for such works and property shall first determine the actual value thereof, having regard to what the same would cost if such works should be then constructed, or such property then bought, making due allowance for deterioration, wear and tear, and making all other proper allowances, and shall increase the amount

amount so ascertained by ten per centum thereof, which increased sum the said arbitrators shall award as the amount to be paid by the corporation to the said company, with interest, from the date of their award.

5. The said amount shall be paid within six months from the date of the award, and the council of the municipality shall thereupon take all requisite steps for providing such amount; and it shall not be necessary to submit to the vote of the electors any by-law passed for the issue of debentures in order to raise the said amount.

Time within which amount to be paid.

6. The council of the corporation may, if it thinks fit, without submitting the question to the vote of the electors, take the proceedings authorized by the third section of this Act for determining the amount to be paid for such works and property, upon notice to the company that the corporation intends to acquire such works and property by arbitration, under the provisions of this Act; but in such case, the by-law for raising money to pay therefor shall be submitted to the vote of the electors, and until such by-law is finally passed, the corporation shall not, unless by consent of the company, take possession of the said works or property; and in the event of the by-law not being passed the corporation shall indemnify the company for all costs the company has been put to in and about the arbitration.

Council may take proceedings to determine value without first obtaining assent of electors.

7. The council and the company may, if they think fit, agree as to the amount to be paid for the said works and property, or any of them.

Amount may be settled by agreement.

8. In case the amount awarded, or agreed to be paid, to the company, is not paid within six months after the time at which it is payable, the company may resume possession of their works and property, and all their rights in respect thereof shall thereupon revive.

If amount not paid, rights of company to revive.

9. Any company heretofore incorporated may, by by-law, declare that such company consents to be bound by the provisions of the preceding six sections of this Act; and upon the passing of such by-law the said sections shall apply to the said company.

Existing companies may consent to be bound by above provisions.

10. No resolution under the third section of this Act shall be passed by any municipal council, or, if passed, shall have any force or effect unless the company is subject to the provisions of the said third section, or an agreement has been made between the company and the corporation, under which the municipal corporation has the right at any time, or at any time after a date thereby fixed, not being later than ten years from the date of the agreement, to acquire the works and property

Limitation as to resolutions under sec. 3.

property of the company used, in connection therewith, for the said purposes, at a valuation to be determined by arbitration.

Certain rights
not affected.

11. Nothing in this Act contained shall affect the right of any municipal corporation to acquire the works and property of any gas or water company, by agreement with the said company, or shall be construed to affect any right of acquisition which has been or may be secured by any such corporation, independently of the provisions of this Act.

R.S.O., c. 174,
s. 349,
amended.

12. Section three hundred and forty-nine of the Municipal Act is hereby amended by adding thereto the following subsection:

Every council shall have the power of exempting any water-works or water company, in whole or in part, from taxation for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years.

Council may
contract with
company for
supply of
water.

13. Every municipal council shall have power to contract with any water-works or water company for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable, and for the renting of any such hydrants for any number of years not, in the first instance, exceeding ten, and for renewing any such contract from time to time for such period, not exceeding ten years, as said council may desire; and every such council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same.

CHAPTER 19.

An Act respecting Companies for supplying Electricity for the purposes of Light, Heat, and Power.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to form
companies for
supplying elec-
tricity, under
R.S.O. c. 150.

1. Any five or more persons who desire to form a company for supplying electricity for the purposes of light, heat, or power, in any city, town, incorporated village, township or other municipality, may become incorporated under the Act respecting the incorporation of Joint Stock Companies by Letters

ters Patent, being chapter one hundred and fifty of the Revised Statutes of Ontario, and all the powers and provisions contained in the said Act shall, so far as applicable and consistent with the provisions and powers herein contained, apply to any such company.

2. Every company incorporated under this Act may construct, maintain, complete, and operate works for the production, sale and distribution of electricity, for purposes of light, heat, and power, and may conduct the same by any means through, under, and along the streets, highways, and public places of such cities, towns, and other municipalities; but as to such streets, highways, and public places, only upon and subject to such agreement in respect thereof as shall be made between the company and the said municipalities respectively, and under and subject to any by-law or by-laws of the councils of the said municipalities, passed in pursuance thereof.

Powers for construction of works, etc.

3. Sections fifty to sixty inclusive, and sections sixty-two to eighty-five inclusive, of the Act respecting Joint Stock Companies, for supplying cities, towns, and villages with gas and water, being chapter one hundred and fifty-seven of the Revised Statutes of Ontario, shall be read as forming part of this Act, except that the said sections shall, for the purposes of this Act, be read as providing for the passage and supply of electricity, for the purposes of light, heat, and power, instead of the passage and supply of water and gas, the word "electricity" being, for the purposes aforesaid, substituted for the words "gas," or "gas or water," or "gas and water," wherever the said words occur in the said sections, and the words "wires or conductors" shall be read after the words "mains and pipes," or "mains or pipes," wherever the said words occur in the said sections.

R.S.O., c. 157, ss. 50-60 and 62-85 to form part of Act.

4. No company shall be entitled, by virtue of this Act, to take possession or make use of private property, or to do any work thereon under the compulsory powers of the company in that behalf, until the amount to be paid for or in respect of such property is ascertained by arbitration or otherwise, as the case may be, and is paid or tendered to the parties entitled thereto, or is paid into court for their benefit, provided further that the property of gas companies shall be exempt from expropriation under this Act.

Exercise of compulsory powers restricted.

CHAPTER 20.

An Act to extend the application of the Fire Insurance Policy Act.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title. 1. This Act may be cited as the “Fire Insurance Conditions Act, 1882.”

Application of Act. 2. This Act applies to contracts of fire insurance on policies in this Province, entered into or renewed after the passing of this Act.

Statutory conditions to be deemed part of verbal contracts. 3. In case of a verbal contract of such insurance, the Statutory Conditions set forth in the Fire Insurance Policy Act (R. S. O., chapter 162,) shall be deemed part of the verbal contract; and no stipulation to the contrary, or providing for any variation, addition or omission, shall be binding on the insured.

Renewal and interim receipts. 4. In case of an insurance being effected or continued by an interim or renewal receipt, an interim note, or like instrument, which is intended, conditionally or otherwise, to be followed by a policy, the Statutory Conditions shall be binding on both parties, though not printed on such receipt, note or instrument; but no variation, addition or omission shall be binding on the insured unless made in conformity with the fourth section of the Fire Insurance Policy Act.

CHAPTER 21.

An Act to provide for the crossing of Railways by Streets, Drains and Water Mains.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title. 1. This Act may for all purposes be cited as “The Railway Streets and Drains Act, 1882.”

2.

2. This Act and the respective provisions thereof apply to every railway and railway company in respect of which the Legislature of Ontario has authority to enact such provisions. Application of Act.

3. In the construction of this Act the following words and expressions shall have and include the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say:— Interpretation.

- (1) The expression "railway company" shall include the owner or lessee of any railway and the contractor working or operating the same;
- (2) The word "council" and the word "municipality" shall respectively have the meaning assigned to them by "The Municipal Act;"
- (3) The expression "the railway" shall have the meaning assigned thereto by "The Railway Act of Ontario;"
- (4) The word "highway" shall mean and include any public highway, road, street, lane, or way;
- (5) The word "notice" shall mean a notice either wholly written or printed, or partly written and partly printed.

4. The council of any municipality may pass by-laws for establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting, or stopping up, within the limits of the municipality, any highway or public drain through, over, across, under, along, or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purposes; but subject to such terms and restrictions as are in this Act contained, and provided always that such highway or drain is, under the provisions of "The Municipal Act," within the jurisdiction of such council. Authority of municipalities to pass by-laws for making roads, etc.;

5. The council of any municipality may also pass by-laws for laying down in, through, across, under, or along the railway and lands of any railway company any main pipe belonging or necessary to any water-works which the corporation of the municipality is authorized to construct, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose, but subject to the terms and restrictions in this Act contained. And for laying down water mains on railway lands.

6. Before the final passing of any such by-law, the council shall procure plans and estimates in detail, with proper specifications of the work intended to be carried out under such proposed by-law, copies whereof, with notice of the proposed by-law, shall Plans to be prepared, and notice given to company.

shall be given to and served upon the railway company whose railway or lands are to be affected or entered upon.

Requisites of plans, etc., in case of opening, etc., a highway which is not to be carried over or under railway.

7. Where it is intended by any such by-law to authorize the opening, widening, altering, enlarging or diverting, of a highway without the same being carried over the railway by a bridge, or under by a subway or tunnel, such plans, specifications and estimates shall, amongst other things, provide for such of the following matters as in the opinion of the council are necessary in connection with such opening, widening, altering, enlarging or diverting of such highway, that is to say:—

- (1) Planking to be laid on either side and between the rails of the track of the railway, so as to permit of the same being easily crossed at any place within the travelled width of such highway, and so as that the upper level of the said planking shall be as nearly as practicable level with the top of the said rails;
- (2) The construction of a cattle guard at each side of the highway where it crosses the railway, suitable and sufficient to prevent cattle and animals from getting on the railway;
- (3) The erection of fences upon the sides of such highway from the line of the fences on each side of the railway up to the cattle guards, and of the height and strength of an ordinary division fence;
- (4) The erection of such signboards as will be a compliance with sub-section five of section twenty-one of "The Railway Act of Ontario."

Plans, etc., for drains or water pipes.

8. Where the work intended to be carried out under any such by-law is in respect of a drain or water pipe the plans and specifications shall, amongst other things, shew the location of the drain or water pipe relatively to the railway, and shall also, where such work is in respect of a drain, shew where an outlet is to be obtained, and the estimated maximum discharge and flow of water and sewage.

Where no objection made within thirty days from service of notice council may proceed with work.

9. If the railway company within thirty days after the day of the service of the copies and notice required to be served upon such railway company by section six of this Act, does not give to the council notice stating that the work intended to be carried out under the proposed by-law is objected to by the railway company, and further stating the grounds of objection, the council may proceed with the work agreeably to the said plans and specifications, but subject to the provisions of the Municipal Act.

10. Where the work intended to be carried out under any such by-law is in respect of a highway, and the railway company, within the said thirty days, gives notice to the council that the railway company will itself execute the proposed work at and for the amount estimated therefor as aforesaid, the railway company shall forthwith proceed with and execute the proposed work in accordance with the said plans and specifications, and shall be entitled to receive payment therefor from the municipality, according to the said estimate.

Where work is in respect of a highway company may do work.

11. Such council and the railway company may mutually agree as to the point, mode and manner at or by which any such highway or public drain shall be so established, opened, made, improved, maintained, widened, enlarged, altered, diverted, or stopped up, or such water pipe laid down, as the case may be, in, through, over, across, under, along or upon the railway or lands of the railway company, or as to how far or to what extent such council, in the exercise of the powers by this Act conferred, shall be at liberty to enter upon, take, or use said railway or lands; but in case they do not so mutually agree, then no council shall avail itself of, or exercise any of the powers by, sections four or five of this Act conferred, unless and until and only so far as the approval of the Commissioner of Public Works is first had and obtained in that behalf, upon application made to the Commissioner by or on behalf of the said council; of which application notice shall, before the same is so made, be given by the council to the railway company.

Council and company may agree as to the mode of making road, etc.

If no agreement approval of Commissioner of Public Works to be obtained.

12. In case the railway company gives notice as aforesaid, that the proposed work, or the intended mode and manner of its construction or carrying out is objected to, and the council and the railway company have not mutually agreed as in the last preceding section provided, the council may make application to the Commissioner of Public Works as provided in said last preceding section, and shall thereupon transmit to the Commissioner verified copies of all papers served by the council upon the railway company, or by the latter upon the council.

Application by council to Commissioner in case of disagreement.

13. If the Commissioner of Public Works shall approve of and concur in the propriety of the proposed work being executed according to said plans and specifications, or according to some modification thereof, the same may be executed accordingly.

Execution of work if approved.

14. The Commissioner of Public Works, before disposing of the matter, may, if he thinks fit, direct the Inspector of Railways, or some other competent person, to examine the locality and make his report in regard to any matters which the Commissioner may direct.

Commissioner may require examination and report.

Payment of expenses of application.

15. All expenses of and incidental to any such application to the Commissioner of Public Works, whether of the inspection, or of the parties, or otherwise, shall be paid by the municipality or the railway company, as the Commissioner may direct, and the Commissioner may assess and determine the amount to be so paid, and to whom, or may direct that the same shall be, in whole or in part, ascertained by the taxing officer of one of the courts, subject to such directions (if any) as the Commissioner may give.

Certificate of Commissioner to be final.

16. The decision or certificate of the Commissioner of Public Works shall be final, according to the tenor and effect thereof; and it shall not be open to either or any party, after such decision or certificate is made, to raise any question as to the regularity or sufficiency of any of the prior proceedings directed by this Act or otherwise.

Where work is in respect of a highway, and plans, etc., are approved, company may execute work.

17. Where the proposed work is in respect of a highway, and upon being applied to as aforesaid, the Commissioner of Public Works approves of plans and specifications therefor as aforesaid, the railway company may, within ten days of being served with notice of his decision, serve a notice upon the council that the railway company will perform the work for the price named in the estimate therefor, and the railway company shall thereupon proceed with and execute the said proposed work.

Where plans are modified company may do work at price fixed.

18. Where the proposed work is in respect of a highway, and the Commissioner of Public Works, upon being applied to as aforesaid, modifies the plans or specifications therefor, he may with the consent of the council of the municipality fix a price to be paid for such work, or if he does not, then the council shall cause an estimate of the cost thereof to be served upon the railway company with a notice that the council is willing to pay such estimated cost for the work, and the railway company may, within ten days of being notified of the amount so fixed, or of such last mentioned estimate of cost, serve a notice upon the council that the railway company will perform the work for the price or cost so fixed or estimated as aforesaid (as the case may be), and the railway company shall thereupon proceed with and execute the work.

If company does not use reasonable diligence council may proceed with work, or may obtain a mandamus to compel company to proceed.

19. Where any railway company elects as aforesaid, to proceed with the execution of any work under the provisions of this Act, and does not proceed therewith with reasonable diligence, the council of the municipality may take the same out of the hands of the railway company and itself do what is necessary to perform or complete the required work, or may apply for a mandamus to compel the railway company to proceed therewith and complete the same; and when the railway company does not elect in manner hereinbefore provided to do

do the work, the council of the municipality may proceed with the work and execute the same.

20. Where, in the exercise of the powers by this Act conferred, the lands of any railway company are either entered upon, taken or used by any council, or are injuriously affected, such council shall make to the railway company due compensation for any damages (including cost of fencing when required) necessarily resulting from such exercise of such powers, beyond any advantage which the railway company may derive therefrom; Provided always, that where such damages result from the exercise of any power by this Act conferred in respect of a highway, such compensation shall not exceed one half the value of the lands taken or affected under or by the exercise of such power; and that where such damages result from the exercise of any such power in respect of a public drain, such compensation shall only be required to be so made where such drain is not a covered drain carried under the railway and below the level thereof to at least a depth of five feet, and the compensation to be made in such case shall not exceed the value of the lands taken or affected under or by the exercise of any such power.

Compensation to company for lands taken or injuriously affected.

21. Such council and the railway company may mutually agree upon the amount of compensation to be made as aforesaid; but in case the amount of such compensation be not so mutually agreed upon, then the same shall be determined by arbitration under the provisions of "The Municipal Act."

Compensation to be determined by arbitration in case of disagreement.

22. If the railway company claims that the proposed work will injure the railway company beyond the amount of the compensation so to be made as aforesaid, the railway company shall, in the notice given under the twelfth section of this Act, state its claim, or if the railway company does not object to the work but claims that injury will be done it as aforesaid, the railway company shall give, in like manner, a notice of such claim; and in case the Commissioner of Public Works shall be of opinion that the railway company is entitled to additional compensation in that behalf, he may direct that the same shall be determined by arbitration under "The Municipal Act;" and the amount of such additional compensation (if any) when so determined shall be paid by the municipality to the railway company.

Claim by company for extra compensation.

23. No council shall finally pass any such by-law unless, and until, and only so far as the work to be carried out thereunder has not been objected to by the railway company within the time fixed therefor by sections nine and twelve of this Act, or, being so objected to, has either been approved of and concurred in by the Commissioner of Public Works, or has been mutually agreed upon between the council and the railway company under the provisions of this Act.

When council may finally pass by-law.

24.

Company to repair street crossings and municipality to repair drains and water pipes.

24. All street crossings constructed under this Act shall thereafter be kept in proper repair by the railway company, and all drains constructed and water pipes laid down under this Act shall thereafter be kept in proper repair and condition by the municipality, or in case of default then by the railway company, and the railway company shall have the right to recover from the municipality the cost of all reasonable and necessary repairs made by such railway company as aforesaid.

Council to maintain highways at a proper level where they approach or adjoin railway.

25. Where any such highway crosses or is intended to cross the railway of any railway company, without being carried over by a bridge or under by a tunnel, it shall be the exclusive duty of the council having jurisdiction over the same, to at all times establish, keep and maintain such street and highway so that the level of the same, where it approaches and adjoins the railway, shall, for a safe and reasonable distance, not rise above or sink below the railway more than one inch; and, subject to the provisions of the preceding section, it shall be the exclusive duty of the company so to keep and maintain that part of its railway so crossed by said street or highway, that it shall not rise above or sink below the said level of the said highway more than one inch.

Company to maintain railway at a proper level at street crossings.

Council not to do any unnecessary damage to railway.

26. No council in the carrying out of any work by this Act authorized, shall commit any unnecessary damage or injury to or upon the railway or lands of any railway company, or unnecessarily or unreasonably impede or interfere with the traffic on or over such railway.

Highways opened under this Act to be subject to Railway Act.

27. Whenever and so long as any highway is established and opened for public use under the provisions of this Act, it shall be subject to the provisions of "The Railway Act of Ontario," except in so far as may be otherwise provided by this Act.

Rights of railway not affected more than necessary.

28. Subject to, and except so far as may be necessary to carry out the provisions of this Act, and to allow of the full and free exercise of the powers hereby conferred, the rights of any railway company in the soil of any lands entered upon, taken, or used under the powers contained in this Act shall not be disturbed or affected.

Act to apply to Commissioners for construction of water-works.

29. Any commissioners authorized to construct any water-works may, in respect of such water-works, exercise and have all the power, liberties and privileges by this Act given to or conferred upon any council in respect of the laying down of any water pipe as aforesaid, but always subject to and under and with the terms, restrictions, conditions, liabilities, duties, and obligations in that behalf imposed by this Act upon such council.

30. Where by any private or special Act heretofore passed power is given to any council or municipal corporation, or to any water-works commissioners to carry water pipes belonging to or forming part of any water-works, in, upon, over, under, through or along the lands or railway of any railway company, such power shall only be hereafter exercised subject to the terms, restrictions and conditions in this Act contained.

Powers as to water-works in special Acts to be subject to this Act.

31. Service of any notice or paper required to be given or served, either by this Act or with respect to any arbitration as aforesaid under "The Municipal Act," or of any proceedings therein or thereunder, may be made as follows:—

Service of notice how made.

- (1) In the case of a company, either by delivering such notice or paper to the president, vice-president, managing director, general manager, secretary or superintendent of the company, or by mailing the same, prepaid and registered, addressed to any such officer at the principal office or station of the company in Ontario;
- (2) In the case of a lessee of, or a contractor, working or operating a railway, either by delivering such notice or paper to such lessee or contractor, or by mailing the same, prepaid and registered, addressed to him at the principal office or station on said railway within Ontario;
- (3) In the case of a council, either by delivering such notice or paper to the head or clerk of such council, or by mailing the same, prepaid and registered, addressed to said clerk at his proper post-office address.
- (4) In the case of commissioners, either by delivering such notice or paper to the chairman or secretary of such commissioners, or by mailing the same, prepaid and registered, addressed to said chairman or secretary, at his proper post-office address.

32. Where not inconsistent with this Act, all the provisions of the Municipal Act relating to the powers, liabilities and duties of a council as to public highways, shall apply to any highway established or opened, or intended to be established or opened, under the powers conferred by this Act.

Provisions of Municipal Act relating to powers of council as to highways to apply.

CHAPTER 22.

An Act to provide for the establishment of Free Libraries.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as “The Free Libraries Act, 1882.”

Establishment of free libraries.

2. A free library may be established in any city, town, or incorporated village, in manner hereinafter provided.

(2) Where a free library is so established, there may, without any proceedings for the purpose under this Act, be connected with the library, a free news-room, or museum, or both; and there may be established a branch library, or branch libraries, and a branch news-room, or branch news-rooms, in the municipality.

(3) In case a petition is presented to the Council of a city, town, or incorporated village, signed by not less than one hundred electors in the case of a city, or not less than sixty in the case of a town, or not less than thirty in the case of an incorporated village, praying for the establishment of a free library under this Act; the council may pass a by-law giving effect to the petition, with the assent of the electors qualified to vote at municipal elections given before the final passing of the by-law as provided by the Municipal Law.

(4) In case the vote of the electors is adverse to the by-law, no new by-law for the same purpose shall afterwards be passed by the Council, to be submitted to the electors within the same municipal year.

Appointment of Board of Management.

3. In case of the establishment of a Free Library under this Act, the general management, regulation and control of the library, and of the news-room and museum (if any) shall be vested in and exercised by a Board to be called the Board of Management; which Board shall be a body politic and corporate, and shall be composed of the mayor of the city or town, or the reeve of the village, and three other persons to be appointed by the Council, three by the Public School Board, or the Board of Education, of the municipality, and two by the Trustees of the Separate School, if any.

(2) No person who is a member of the body entitled to appoint shall be qualified to be a member of the Board of Management.

(3)

(3) Of the representatives appointed by the Council, and the Public School Board, or Board of Education and Separate School Trustees, respectively, one shall retire annually, but may be re-appointed.

(4) Of the three members first appointed by the Council, and Public School Board, or Board of Education respectively, one shall hold office until the first day of February after his appointment, one until the first day of February in the following year, and one until the same day in the year next thereafter; and of the two members first appointed by the Separate School Trustees, one shall hold office until the first day of February after his appointment, and one until the first day of February of the following year, but every member of the Board of Management shall continue in office after the time named until his successor is appointed.

(5) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

(6) Subject to these provisions, each of the members appointed by the Council, or Public School Board, or Board of Education, shall hold office for three years from the first day of February in the year in which he is appointed; and each of the members appointed by Separate School Trustees, for two years from the first day of February in the year in which he is appointed.

(7) The first appointment of members of the said Board shall be made at the first meeting of the appointing Council or Board, after the final passing of the by-law. The annual appointments thereafter shall be made at the first meeting of the appointing Council or Board, after the first day of January in every year; and any vacancy arising from any cause, other than the expiration of the time for which the member was appointed, shall be filled at the first meeting thereafter of the appointing Council or Board. But if for any reason appointments are not made at the said dates, the same shall be made as soon as may be thereafter.

(8) The Board of Management shall elect one of their number as chairman, who shall hold office for one year; he shall preside at meetings of the Board when present; in his absence a chairman may be chosen *pro tem*. The chairman shall have the same right of voting as the other members of the Board, and no other.

(9) The Board shall meet at least once every calendar month, and at such other times as they may think fit.

(10) The chairman or any two members may summon a special meeting of the Board by giving at least two days' notice

notice in writing to each member, specifying the purpose for which the meeting is called.

(11) No business shall be transacted at any general or special meeting unless four members are present.

(12) All orders and proceedings of the Board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being.

(13) The orders and proceedings so entered and purporting to be so signed, shall be deemed to be original orders and proceedings, and (such books) may be produced and read as evidence (of the orders and proceedings) upon any judicial proceeding whatsoever.

Duties of
Board.

4. Subject to the restrictions and provisions hereinafter contained, the Board are, from time to time, to procure, erect, or rent the necessary buildings for the purposes of the library or of the library, news-room and museum (as the case may be); to purchase books, newspapers, reviews, magazines, maps and specimens of art and science, for the use of the library, news-room and museum, and to do all things necessary for keeping the same in a proper state of preservation and repair; and to purchase and provide the necessary fuel, lighting, and other similar matters; and are to appoint and dismiss, as they see occasion, the salaried officers and servants employed.

Board may
make by-laws
respecting use
of library.

5. The Board may make by-laws or rules for the safety and use of the library, news-room, and museum, and for the admission of the public thereto; and for regulating all other matters and things whatsoever connected with the management of the library and of the news-room and museum (if any), and with the management of all property of every kind under their control for the purposes of this Act; and the Board may impose penalties for breaches of the by-laws or rules, not exceeding ten dollars for any offence; and may from time to time repeal, alter, vary, or re-enact any such by-laws or rules.

(2) After any such by-laws or rules have been published weekly for at least two weeks in a newspaper published in the municipality, or in a newspaper circulated therein if no newspaper is published therein, the by-laws and rules so published shall be binding on all parties concerned; but any judge or magistrate, before whom a penalty imposed thereby is sought to be recovered, may order a part only of such penalty to be paid, if he thinks fit.

(3) Nothing herein contained shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained, from parties liable for the same.

6. The Board of Management shall, in the month of March in every year, make up or cause to be made up, an estimate of the sums required to pay, during the ensuing financial year:

Board to make yearly estimates.

The interest of any money borrowed as hereinafter mentioned;

The amount of the sinking fund; and

The expense of maintaining and managing the libraries, news-rooms or museums under their control, and of making the purchases required therefor.

(2) The Board shall report their estimate to the council not later than the first day of April in each year.

7. The Board of Management shall keep distinct and regular accounts of their receipts, payments, credits and liabilities, and the accounts shall be audited by the auditors of the municipality, in like manner as other accounts of the municipality, and shall thereafter be laid before the Council by the Board of Management.

Board to keep regular accounts.

8. For the purpose of providing for the expenses necessary for carrying this Act into effect, the council of the municipality, in addition to all other rates and assessments levied and assessed for municipal purposes, shall levy and assess from year to year a special annual rate sufficient to furnish the amount estimated by the said Board to be required as aforesaid, but not exceeding one half of a mill in the dollar, upon the assessed value of all ratable real and personal property, such rate to be called "The Free Library Rate."

Special rate for library purposes.

(2) The council may also, subject as hereinafter provided, on the requisition of the Board of Management, raise by a special issue of debentures of the municipality, to be termed "Free Library Debentures," such sums as may be required for the purpose of purchasing and erecting the necessary buildings, and, in the first instance, for obtaining books and other things required.

(3) During the currency of the debentures so issued the council shall withhold, and retain as a first charge on the said annual rate, such amount as shall be required to meet the annual interest of the debentures, and a sinking fund for the retirement thereof as the debentures become due, such sinking fund to be invested and dealt with as in the case of other municipal debentures.

(4) All moneys levied or raised as aforesaid shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the orders of the Board; save as to the amount required to meet the interest and provide a sinking fund for debentures issued as aforesaid.

(5) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures, provided the annual sum required to meet the annual interest and sinking fund

fund do not, with a reasonable allowance for annual expenses, exceed the said limit of half a mill in the dollar.

Admission to
be free.

9. All libraries, news-rooms, and museums established under this Act shall be open to the public, free of all charge.

Mechanics'
Institutes may
transfer prop-
erty to cor-
poration of
municipality
for the
purposes of
this Act.

10. At any time after the adoption of this Act in any municipality, any Mechanics' Institute or Library Association in the municipality may by agreement with the Board transfer to the corporation of the municipality, for the purposes of this Act, all or any property, real or personal, of the Institute or Association; but any transfer which, but for this section, the Institute or Association would not have authority to make, shall only be made in the manner provided by the Act respecting the power of Mechanics' Institutes and Library Associations to deal with their real estate (42 Vic., cap. 29).

(2) In case the transfer is to be made on terms involving the assumption of any liability of the Institute or Association, or the payment of any money in consideration of the transfer, the agreement shall not be binding unless approved of and consented to by by-law of the municipal council.

Act to be
incorporated
with Muni-
cipal and
Assessment
Acts.

11. Upon the coming into operation of this Act in any municipality, it shall, as regards such municipality, be deemed to be incorporated with the Municipal and Assessment Acts from time to time affecting such municipality.

Forms.

12. The forms in the schedule hereto may be used for the purposes of this Act, or any forms to the like effect, and the recitals contained in the said forms shall be deemed sufficient, any provisions in the Municipal Act to the contrary notwithstanding.

SCHEDULE.

FORM A.

PETITION.

To the Municipal Council of

We, the undersigned electors of the said city of [or as the case may be], respectfully pray that a Free Library may be established in this municipality under the Free Libraries Act, 1882.

FORM B.

BY-LAW FOR ESTABLISHING A FREE LIBRARY WITH THE ASSENT OF THE ELECTORS.

A By-law to provide for the establishment of a Free Library in the city of [or as the case may be].

Whereas

Whereas electors have petitioned the council of the said city of [or as the case may be], praying for the establishment of a Free Library under the Free Libraries Act, 1882;

Be it therefore enacted by the said Municipal Council of the said city of [or as the case may be] that, in case the assent of the electors is given to this By-law, a Free Library be established in this municipality in accordance with the provisions of the Free Libraries Act, 1882.

And be it further enacted that the votes of the electors be taken on this By-law on the day of , 18 , commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the under-mentioned places: [*Here insert (1) the ward; (2) the polling sub-division; (3) the place for holding the poll and the name of the Deputy Returning Officer.*]

That on the day of next, at his office in the , at o'clock in the noon, the [Mayor, Reeve, or as the case may be] shall appoint in writing, signed by him, two persons to attend to the final summing up of the votes by the Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-Law, and a like number on behalf of the persons interested in and desirous of opposing the passage of this By-law.

That the Clerk of the said Municipal Corporation shall attend at the at the hour of o'clock in the noon, on the day of , 18 , to sum up the number of votes given for or against the By-law.

Notice by Clerk.

The above is a true copy of a proposed By-law which will be taken into consideration by the Council of after one month from the day of , 18 , being the date of the first publication thereof, and the polls for taking the votes of the electors will be held at the hour, day and places named in the said By-law.

FORM C.

BY-LAW FOR THE ISSUE OF FREE LIBRARY DEBENTURES WHERE THE ASSENT OF THE ELECTORS IS NOT REQUIRED.

A By-law authorizing the issue of debentures for the purposes of a Free library.

Whereas a By-Law of the Municipal Council of the city of [or as the case may be], was passed on the day of establishing a Free Library in this municipality under the Free Libraries Act, 1882;

And whereas a sum of \$ is required for the purposes of acquiring a site, erecting buildings, etc. [as the case may be], for the said Free Library, as appears by the special estimate for that purpose furnished by the Board of Management to the Council;

And whereas it will require the sum of \$ annually for a period of years, to pay the interest of the said debt, and the sum of \$ annually during the said period for the forming of a sinking fund of per centum per annum for the payment of the debt created by this By-Law, making in all the sum of annually as aforesaid;

And whereas it is necessary that such annual sum of shall in each year during the said period of years be charged on the special rate mentioned in the eighth section of the said Act.

Be it therefore enacted by the said Municipal Council of the said city [or as the case may be] of [or as the case may be], pursuant to the provisions of the Free Libraries Act, 1882.

That

That the Mayor [*or as the case may be*], of the said municipality may borrow on the credit of the said annual Library rate as aforesaid, and may issue Free Library Debentures of the corporation to that amount in sums of not less than \$100 each, and payable within _____ years from the date thereof, with interest at the rate of _____ per centum per annum, that is to say in [*insert the manner of payment, whether in annual payments or otherwise*], such debentures to be payable at _____ and to have attached to them coupons for the payment of interest.

That during _____ years, the sum of _____ shall be raised and retained annually for the payment of interest on said debentures, and also the sum of _____ for the purpose of forming a sinking fund of _____ per centum per annum for the payment of the principal of the said loan of _____ in _____ years, making in all the sum of _____ to be raised and charged annually as aforesaid on the special Library rate unless the said debentures shall be sooner paid, for the purpose of paying the said sum of _____, with interest thereon as aforesaid.

FORM D.

FREE LIBRARY DEBENTURE.

No. _____ Province of Ontario. \$ _____
 [*Name of Municipality.*]

Under and by virtue of the Free Libraries Act, 1882, and of By-law No. _____ of the Corporation of _____ passed under the powers in said Act contained,

The Corporation of _____ promise to pay the bearer or _____ in the sum of \$ _____ on the _____ day of _____ A.D. _____ and the half-yearly coupons hereto attached as the same shall severally become due.

[L.S.]

A.B.

Mayor [*or as the case may be*].

C.D.

Treasurer.

CHAPTER 23.

An Act to amend the Municipal Act.

[*Assented to 10th March, 1882.*]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as the "Municipal Amendment Act, 1882."

R. S. O., c.
174, s. 15
amended.

2. Section fifteen of the Municipal Act is hereby amended by inserting after the word "village" in the third line thereof the words "or town not withdrawn from the county, and with a population, as ascertained by the last municipal enumeration, not exceeding two thousand," and after the word "village" in the sixth line of said section the words "or town."

(2)

(2) Sub-sections two, three and four of said section fifteen are hereby amended by inserting after the word "village," where the same occurs in said sub-sections, the words "or town."

3. Section three hundred and eighty-nine of the said Act is hereby repealed, and the following enacted in lieu thereof :

Sec. 389 repealed.

389. Every debenture issued under the sections of the Municipal Act, numbered five hundred and fifty-one, five hundred and fifty-two, and five hundred and fifty-three, or under the provisions of any other Act relating to the issue of debentures for local improvement purposes, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference by date and number to the by-law under which it is issued.

Form of local improvement debentures.

Provided always, that (in order to obviate a difficulty which has been found to prevail in negotiating such local improvement debentures, in consequence of many of the same having to be issued for small and broken amounts), it shall be lawful for councils, from time to time, after the passage of the several by-laws covering the several amounts required for particular local improvements as therein specified, and without in any way affecting the liens on the lands therein named and to be improved thereby, to further pass a collective or cumulative by-law consolidating such several amounts, and to issue the required debentures in a general consecutive issue under such consolidated by-law, apportioning, nevertheless, the amount raised thereby, and crediting each service with the amount previously estimated and named for the same under the individual by-law passed in the first instance. And for the purpose of more readily carrying this proviso into effect, councils desiring to avail themselves of the same, shall insert a clause in such individual by-laws intimating that the amount of debentures to be issued thereunder is subject to consolidation, and in such case it shall be sufficient to state in said individual by-laws that the said amount of debentures to be issued thereunder shall be issued at so many years from the date of issue of the same, without defining a specific date; and provided further, that no consolidated debentures shall be issued covering any debentures which may have been issued or sold under any original by-law.

4. Notwithstanding anything in the Municipal Act or the amendments thereto contained, wherever and whenever it is, in the opinion of the council of any city, town, or incorporated village, desirable and necessary to construct or make any of the local improvements, in respect of which provision is made by the sections of the Municipal Act numbered five hundred and fifty-one to five hundred and fifty-four inclusive, as amended by the Act passed by the Legislature of the Province of Ontario in the forty-third year of the reign of Her Majesty, chaptered twenty-seven, it shall be lawful for the said council to pass a by-law or by-laws therefor, and for assessing

Provisions as to by-laws for local improvements.

assessing and levying in manner provided by the said sections five hundred and fifty-one and five hundred and fifty-two of the Municipal Act, as amended by the said Act passed by the said Legislature in the forty-third year of the reign of Her Majesty, chaptered twenty-seven, and the Act passed by the said Legislature in the forty-fourth year of the reign of Her Majesty, chaptered twenty-four, the cost of such improvement or work upon the real property fronting or abutting upon the street or place whereon or wherein such improvement or work is proposed to be done or made, without petition therefor, unless the majority of the owners of such real property, representing at least one-half in value thereof, petition the council against such assessment, within one month after the last publication of a notice of such proposed assessment, in at least two newspapers published in such city, town, or incorporated village, if there are two newspapers published therein; and if there are not, then in a newspaper published nearest to the proposed improvement or work, such publication to be once in each week for two weeks; and in the event of any such petition against any such proposed assessment, sufficiently signed, being presented to the council, no second notice of assessment for the same proposed improvement shall be given by the council within two years thereafter.

Property specially assessed to be exempt from general assessment for same purpose.

5. Any real property specially assessed by any council for any local improvement or work under the Municipal Act, as amended by the said several Acts above referred to, and by the last preceding section, shall be exempted by the said council from any general rate or assessment for the like purpose, in the same manner and to the same extent as the said real property would have been exempted by the said council, had a petition for such improvement or work been presented to said council in the first instance.

R. S. O., c. 174, sec. 302, amended.

6. Section three hundred and two of the Municipal Act shall, so far as it relates to by-laws passed under the provisions of section twelve of the Act passed in the forty-third year of Her Majesty's reign, intituled "An Act respecting Municipal Assessments and Exemptions," be read as if the words: "and which lease extends for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable," were omitted therefrom, and the form of oath which may be required to be taken by a leaseholder offering to vote on such by-law shall be read as if all the words therein referring to the duration of his lease were omitted therefrom.

Sec. 349 amended.

7. Section three hundred and forty-nine of the said Act is hereby amended by adding thereto the following subsection:

Power to exempt water-works from taxation.

Every council shall have the power of exempting any water-works or water company, in whole or in part, from taxation

taxation for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years.

(2) Every municipal council shall have power to contract with any water-works or water company for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable, and for the renting of any such hydrants for any number of years not, in the first instance, exceeding ten, and for renewing any such contract from time to time for such period, not exceeding ten years, as said council may desire; and every such council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same; and to purchase or rent for a term of years or otherwise, fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively.

Council may contract with company for supply of water.

8. Section four hundred and fourteen of the said Act is hereby amended by adding thereto the following sub-section: Sec. 414 amended.

(2) All meetings of the Board of Police Commissioners in cities shall be open to the press and the public, unless otherwise decided by the board.

9. Section four hundred and fifteen of the said Act is hereby amended by adding thereto the following sub-section: Sec. 415 amended.

(2) The council of any city in which there is no Board of Commissioners of Police shall have, and may exercise by by-law, all the powers conferred upon the Board of Commissioners by section four hundred and fifteen of the Municipal Act.

10. Section four hundred and sixty-one of the said Act is hereby amended by inserting after sub-section thirteen the following: Sec. 461 amended.

(13a) For providing proper and sufficient protection against injury to persons or animals by fences constructed wholly or in part of barbed wire or any other material.

11. Section four hundred and sixty-five of the said Act is hereby amended by adding thereto the following as sub-section eleven: Sec. 465 amended.

(11) For licensing and regulating "junk" stores or shops, and for fixing the sum to be paid for a license so to have or keep such "junk" store or shop.

12. Section four hundred and sixty-six of the said Act is hereby amended by adding thereto the following as sub-section fifty-eight: Sec. 466 amended.

(58) For appointing inspectors and providing for the inspection of milk, meat, poultry, fish and other natural products offered

offered for sale for human food or drink whether on the streets or in public places or in shops.

Sec. 498
amended.

13. Section four hundred and ninety-eight of the said Act is hereby amended by adding at the end of the said section the words "other than counties."

Power to coun-
ties to acquire
roads, etc., ly-
ing within
one or more
townships,
towns or vil-
lages, and to
levy special
rate for im-
provement
thereof.

14. The said Act is hereby amended by inserting immediately after section five hundred and fifty-eight, the following :

558a. A county council may, by by-law, assume or acquire any road, bridge or other public work, lying within one or more townships or incorporated towns or villages, and may, by by-law, raise by way of loan, a sum of money for the improvement of such road, bridge or public work, to be repaid by a special assessment on all the ratable property within the municipalities which shall be immediately benefited by such road, bridge or public work ;

(2) Such by-law shall state the amount to be raised for such work, and shall define the municipalities forming the portion of the county municipality to be affected by said by-law, and the portion of work to be performed in each municipality, and shall provide for the raising of the said amount by the issue of debentures of the county, payable in twenty years, or by equal annual instalments of principal, with interest, and shall provide for assessing and levying upon all the ratable property, lying within the section defined in such by-law, an annual special rate sufficient for the payment of the principal and interest of the debentures ;

(3) Such by-law shall, if approved by a majority of the representatives in the county council of the municipalities which are defined in the said by-law, be submitted to the vote of the qualified ratepayers in the portion of said county to be affected by said by-law as are entitled to vote on money by-laws ;

(4) In case there should be a majority of votes cast against the said by-law in any one or more of the municipalities mentioned therein, although the said by-law be carried, then the same shall only apply to those municipalities in which it has received a majority of the votes cast, and shall not affect the other municipalities mentioned in any way, and the amount of money mentioned in said by-law to be raised by way of loan, shall be reduced by the proportionate amount which the said municipality or municipalities, giving a majority of votes against the said by-law, would have been required to pay under said by-law ;

(5) In case there should be a majority of votes cast against the said by-law in any one or more municipalities mentioned therein, although the said by-law be carried, then upon the approval of the majority of the representatives in the county council of the municipalities which have given a majority of
votes

votes in favour of the said by-law, the same may be read a third time and passed by the county council, or dropped altogether; but in case the said by-law is finally passed, only the representatives in the county council of those municipalities giving a majority in favour of the said by-law, and to be affected by the same, shall have any voice in reference to the expenditure of the money to be raised thereby;

(6) In all other respects the voting on such by-laws, and the passing and subsequent proceedings thereon, shall be in accordance with the provisions of this Act.

15. Every unmarried woman and every widow who possesses the property qualification and other qualification which would, if she were a male ratepayer, entitle her to vote on by-laws requiring the assent of electors, shall have the same right of voting on by-laws requiring the assent of electors as male ratepayers, subject to the like conditions and restrictions as apply to male ratepayers, any law, statute or usage to the contrary notwithstanding.

Unmarried women to be entitled to vote on by-laws requiring assent of electors.

16. Any municipal council shall have power to direct, by by-law, that any surplus moneys in the hands of the treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the municipality, and the council may invest such sinking fund account in any of the securities named in and according to the provisions of section three hundred and fifty-eight of the Municipal Act as amended by section eight of the Municipal Amendment Act of 1881.

Investment of surplus funds.

17. The first sub-section of the sixteenth section of the Act passed in the forty-third year of Her Majesty's reign, chaptered twenty-seven, and intituled "An Act respecting Municipal Assessments and Exemptions," is hereby repealed, and the following is substituted therefor:

43 Vic., c. 27, s. 16, sub-s. 1, repealed.

To render valid a by-law of any municipality for granting a bonus in aid of a railway or for promoting any manufacture, or for taking stock in any railway company, or for lending money to such company, or for guaranteeing the payment of money borrowed by any such company, or for lending money to any other company or person on condition of such company or person establishing or continuing a manufactory in or near such municipality, the assent shall be necessary of two-fifths of all ratepayers who were entitled to vote, as well as of a majority of the ratepayers voting on the by-law; such assent to be ascertained as hitherto; and, in addition to the certificate required by the three hundred and tenth section of the Municipal Act, the clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, as far as shewn by the voters' list and assessment roll, such majority appears

Requisites to validity of certain bonus by-laws.

to

to be two-fifths of all the voters who were entitled to vote on the by-law; and, in case of dispute as to the result of the vote, the judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

This section shall not apply to or affect any by-law which has been submitted by the council on or before the day of the passing hereof, and which has been actually voted on.

CHAPTER 24.

An Act respecting Market Fees.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Market fees
on certain
products
abolished.

1. Notwithstanding anything in "The Municipal Act," or the amendments thereto, or any by-law, rule, or regulation of any municipality, or any usage or custom, it shall not after the first day of April, one thousand eight hundred and eighty-two, be lawful for any municipality, or the officers or servants thereof, to impose, levy or collect a market fee upon any wheat, barley, rye, corn, oats, or upon any other grain, or upon any hay or other seed, or wool, lumber, lath or shingles, or cordwood or other firewood, or upon dressed hogs, or cheese, or upon hay, straw, or other fodder, that may be brought to market or to the market place for sale or other disposal, or upon the person bringing, or the vehicle in which the same is or shall be brought.

(2) No market fee shall be charged, levied, or imposed upon or in respect of butter, eggs or poultry brought to market, or upon the market place, for sale, unless a convenient and fit place in which to offer or expose the same for sale shall be provided by the municipality, which shall afford shelter in summer, and shelter and reasonable protection from the cold in winter.

Limitation re-
specting
market fees
on other pro-
ducts.

2. When the vendor of any article brought within the municipality in pursuance of a prior contract for the sale thereof, proceeds directly to the place of delivery thereof, under such contract, without hawking the same upon the streets or elsewhere in the municipality, it shall not be lawful to impose, levy or collect a market fee thereon, or in respect thereof or on the vehicle in which the same is so brought.

(2) Where there is no prior contract as mentioned in the previous section, no market fee shall be imposed, levied or collected

collected upon or in respect of any article brought into any municipality after the hour of ten o'clock in the forenoon, nor on or in respect of any vehicle in which such article is so brought, unless such article is offered or exposed for sale upon the market place of such municipality.

3. No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the vendor nor purchaser desires to have the same so weighed or measured.

Restriction as to by-laws requiring articles to be weighed or measured.

4. After nine o'clock in the forenoon, between the first day of April and the first day of November, and after ten o'clock in the forenoon, between the first day of November and the first day of April, no person shall be compelled to remain on any market place with any article which he may have been exposing or offering for sale in such market place, but may, after the expiration of such hour, proceed to sell such article elsewhere than in or on said market place: Provided that such person has paid the market fee on or in respect of such article, or the vehicle in which the same is contained.

Limit of time for enforced sale of goods at market.

5. No market fees shall be imposed by any municipality higher than those contained in the following scale:—

Scale of market fees.

Upon articles brought to the market place in a vehicle drawn by two horses, upon which fees may be imposed, not more thanten cents.

Upon articles brought to the market place in a vehicle drawn by one horse, not more thanfive cents.

Upon articles brought to the market place by hand or in any basket or vessel, not more than....two cents.

Upon or in respect of live stock driven to or upon the market place for sale, as follows:—

Every horse, mare, or gelding, not more than ten cents.

Every head of horned cattle, not more than...five cents.

Every sheep, calf, or swine, not more than...two cents.

6. No fee shall be imposed or levied by any municipality for weighing or measuring greater than as follows:—

Scale of fees for weighing or measuring.

For weighing a load of hay.....fifteen cents.

For weighing slaughtered meat, or grain, or other articles exposed for sale, under one hundred poundstwo cents.

Over one hundred pounds, and up to one thousand poundsfive cents.

Over one thousand poundsten cents.

For weighing live animals, other than sheep or pigs, per headthree cents.

Sheep or pigs, if more than five, per headone cent.

If less than five, for the lotfour cents.

For measuring a load of wood.....five cents.

Regulation
of sale and
traffic.

7. Subject to the other provisions of this Act, the municipality may regulate the sale by retail in the public streets, or on vacant lots adjacent thereto, of any of the articles hereinbefore mentioned, and may regulate traffic in the streets, and prevent the blocking up of the same by vehicles or otherwise.

Sections 1-7
not to apply
where sale al-
lowed, except
at the market,
without pay-
ment of fees.

8. The foregoing sections of this Act, from one to seven inclusive, shall not apply to any municipality which shall pass, and so long as it shall keep in force a by-law providing that the vendors of any articles in respect of which a market fee may, under the Municipal Acts, be lawfully imposed, may, without paying market fees, offer for sale, and sell or otherwise dispose of any such articles, at any place within the municipality, excepting only at and upon the market place or places thereof;

(2) Such by-law may, nevertheless, provide for the imposition and collection of market fees from such vendors of articles in respect of which a market fee may now be imposed, under the said Municipal Acts, as shall voluntarily use the market place for the purpose of selling such articles;

(3) And such by-law may also provide for the imposition upon, and collection of, market fees from any person who shall remain, or cause his vehicle to remain upon that part of any street immediately adjoining or surrounding or being within one hundred yards of the market place, for the purpose of selling upon such street or streets such articles, so as to obtain the advantages of the said market place, but driving through or across such portions of streets shall not of itself be deemed sufficient ground for the imposition of any fee;

(4) But such by-law shall not prevent the sale of any such articles to any person carrying on business and having an actual and *bona fide* store, shop or other similar place of business, on those portions of the streets in the next preceding sub-section mentioned; nor shall such by-law authorize the imposing or levying of any fee in respect of any article so sold, or of any vehicle in which the same is contained;

(5) It shall not be lawful for any municipality passing such by-law to impose a higher tariff or greater fee upon any article or vehicle than was in force or imposed by such municipality on the first day of March, one thousand eight hundred and eighty-two;

(6) No market fee shall be levied, collected or imposed by any municipality in respect of any market place or market, or any portion of any such market place or market hereafter established, declared or made in, on or out of any street or part of any street within said municipality: Provided always that this sub-section shall not apply to so much of any street as immediately adjoins and abuts upon any market square, either now or hereafter established as a market place.

9. Section eight of this Act shall not apply to any municipality where no market fees are now charged or imposed, but the other parts of this Act shall apply to such municipality in the event of market fees being hereafter charged or imposed therein.

Sec. 8 not to apply when no market fees are charged.

10. Nothing in this Act contained shall prevent any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might do before the passing of this Act: Provided always that market fees within the meaning of this section shall not include fees for weighing or measuring.

Power to regulate sale when no fees are charged.

11. When and so long as the first seven sections of this Act shall be in force and apply to any municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such municipality; and when and so long as section eight of this Act shall be in force in and apply to any municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such municipality.

Inconsistent enactments to be of no effect.

12. This Act shall take effect on the second day of April, one thousand eight hundred and eighty-two.

Time Act to come in force.

CHAPTER 25.

An Act to provide for the construction of Water-works by Cities, Towns and Villages.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known as “The Municipal Water-works Act, 1882.”

Short title.

2. The corporation of every city, town or incorporated village shall have power to construct, build, purchase, improve, extend, hold, maintain, manage and conduct water-works, and all buildings, materials, machinery and appurtenances thereto belonging, in the municipality and in the neighbourhood thereof, as hereinafter provided.

Corporations of Cities, etc., may construct water-works.

Powers.

3. The corporation shall have power to employ engineers, surveyors and such other persons, and to rent, with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary, or purchase, at the option of the corporation, such lands and buildings, waters and privileges as in their opinion may, during the construction or at any future time, be necessary to enable them to fulfil their duties under this Act.

Power to enter on lands and appropriate streams, etc.

4. The corporation, their engineers, surveyors, servants and workmen, from time to time, and at such times as the corporation shall see fit, may enter into and upon the lands of any persons, bodies politic or corporate, in the municipality or within ten miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of the water-works, and may divert and appropriate any river, ponds of water, springs or stream of water therein, as any engineer, surveyor or other person authorized in this behalf by the corporation shall judge suitable and proper for the said purposes, and may contract with the owner or occupier of the said lands, and those having a right or interest in the said water, for the purchase or renting thereof or of any part thereof, or of any privilege that may be required for the purpose of the water-works, at the option of the corporation.

Arbitration.

5. In case of any disagreement between the corporation and the owners or occupiers or any other person interested in such lands, or any person having an interest in the said water or the natural flow thereof, or in any such privilege as aforesaid, respecting the amount of purchase or yearly rental or value thereof, or as to the damages such appropriation will cause or otherwise, the same shall be decided by arbitration, in accordance with the provisions of the Municipal Act, and as hereinafter provided.

Provision in case of infant owners, etc.

6. In case any such owner or occupier is an infant, an idiot, or an insane person, or is absent from this Province, or in case such lands or water privileges are mortgaged or pledged to any person, the judge of the county court of the county in which the municipality constructing the water-works is situated, on application being made to him for that purpose by the corporation, and upon proof of notice of such application having been served or given as is hereinafter provided, shall nominate and appoint three indifferent persons as arbitrators ;

(2) The award of the majority of the arbitrators in writing shall be binding on all parties concerned, as fully as if all had joined therein.

Payment of award.

7. Any sum so agreed upon or awarded shall, in case of purchase, be paid within three calendar months from the time agreed upon, or from the date of the award, as the case may be ;

be ; and in case of renting, the rent agreed upon or awarded shall be paid at the times agreed upon, or fixed in the award, but in either case, if a motion is made to amend or set aside the award, payment may be delayed until the determination of the motion ;

(2) In default of such payment, the proprietor may resume possession of his property, and all his rights shall thereupon revive.

8. In case the person to whom damages are awarded is an infant, an idiot, or an insane person, or is absent from the Province, or refuses to accept the amount awarded, the corporation may pay the same with interest to the committee of the person under any of the said disabilities, or may pay the same with interest into the High Court of Justice to the credit of such person, and such payment shall be a sufficient payment by the corporation ;

Payment into Court in certain cases.

(2) Any notice required to be served on any person under any of the said disabilities shall be served on the person in whose care or under whose custody or control the person may be ;

(3) If any person so required to be served is absent from the Province, or cannot be found, notice may be given by publishing the same for such time in the *Ontario Gazette* and in one paper published in the county in which the said lands lie, as may be ordered by the High Court of Justice or a judge thereof.

9. The lands, privileges, and water, so ascertained, set out, or appropriated by the said corporation, for the purposes thereof as aforesaid, shall, upon payment of the said moneys to the person entitled thereto, or into court as aforesaid, be vested in the corporation in fee simple, except where the lands, privileges or water are rented, in which case the term and possession shall be as agreed upon by the respective parties or as awarded by the arbitrators, but the corporation shall have power at the end of the term, or during the last year thereof, to again rent or to purchase such lands, privileges or water, at the option of the corporation, at a rental or price to be again ascertained and determined in manner aforesaid.

Lands, etc., on payment vested in corporation.

10. The corporation may construct, erect and maintain, in and upon the said lands, all such reservoirs, water-works, and machinery requisite for the undertaking, and for conveying the water thereto and therefrom, in, upon, and through any lands lying intermediate between the said reservoirs and water-works and the springs, streams, rivers, ponds, or waters from which the same are procured and the municipality, by one or more lines of pipes, as may from time to time be found necessary.

Construction of necessary works.

Power to enter
on interme-
diate lands.

11. The corporation, and their servants under their authority, may for the said purposes enter and pass upon and over the said lands, intermediate as aforesaid, and the same may cut and dig up, if necessary, and may lay down the said pipes through the same, and in, upon, through, over, and under the highways, streets, lanes, roads, or other passages within the municipality, or within ten miles thereof, and in, upon, through, over, and under the lands and premises of any person or persons, bodies corporate or politic, within the municipality ;

(2) All lands, not being the property of the municipality, and all highways, roads, streets, lanes, or other passages so dug up, or interfered with, shall be restored to their original condition without unnecessary delay ;

(3) The corporation may set out, ascertain, purchase in manner aforesaid, use and occupy such parts of the said lands as the said corporation may think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the municipality, or for the uses of the corporation, or of the proprietors or occupiers of the land through or near which the same may pass.

Power to lay
down pipes,
etc.

12. For the purpose of distributing water as aforesaid the said corporation may sink and lay down pipes, tanks, reservoirs and other conveniences, and may from time to time alter all or any of the said works, as well in the position as in the construction thereof, as they may consider advisable.

Compensation
for damage.

13. The said corporation shall do as little damage as may be in the execution of the powers by this Act granted to them, and shall make reasonable and adequate satisfaction to the proprietors and others whose property is entered upon, taken or used by the corporation or injuriously affected by the exercise of its powers, to be ascertained as provided in like cases in the Municipal Act.

Property
vested in
corporation.

14. All such water-works, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the corporation of the municipality constructing the said works.

Pipes may be
carried across
railways.

15. The council of the corporation may pass by-laws for laying down in, through, across, under, or along the railway and lands of any railway company, in respect of which this Legislature has authority in this behalf, any main pipe belonging or necessary to any water-works which the corporation of

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the municipality is authorized to construct, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose, but subject to the terms and restrictions contained in the "Railway, Streets and Drains Act, 1882."

16. All service pipes which may be required shall be constructed and laid down up to the outer line of the street by the corporation, and the corporation shall be solely responsible for keeping the same in repair ; Service pipes.

(2) In all cases where a vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken, the corporation may, with the consent of the owner, lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf ;

(3) The expense incidental to the laying and repairing, as hereinafter provided, of such service pipes if laid or repaired by the corporation (except the repairing of the service pipes, from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the corporation), or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the corporation, or if not so paid, may be collected forthwith in the same manner as water-rates : Provided that in no case shall the said expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, exceed one dollar.

17. The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein, by the corporation, shall be under their control, and if any damage is done to this portion of the service pipe or its fittings, either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the corporation ; and in default of his so doing, whether notified or not, the corporation may enter upon the lands where such service pipes are, and by their officers, servants, or agents repair the same, and charge the same to the owner of the premises, as hereinbefore provided ; Service pipes to be under control of corporation.

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water tenant, except in cases of accident, or for the protection of the building or the pipes, and to prevent the flooding of the premises ;

(3) All parties supplied with water by the corporation may be required by the corporation to place only such taps for drawing

drawing and shutting off the water as are approved of by the corporation.

Inspection of premises.

18. Any person authorized by the corporation for that purpose, shall have free access, at proper hours of the day, and upon reasonable notice given and request made, or, in case of the written authority of one of the commissioners given in respect of the special case, without notice, to all parts of every building or other premises in which water is delivered and consumed, for the purpose of inspecting or repairing as aforesaid, or for placing meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating the use of any such meter, may set or alter the position of the same or of any pipe, connection or tap, and may fix the price to be paid for the use of any such meter, and the times when and the manner in which the same shall be payable, and may also charge for and recover the expenses of such alterations; and such price and the expense of such alterations may be collected in the same manner as water-rates.

Regulation of use of water and of rates.

19. The corporation shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payments; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion, and may fix the rate or rent to be paid for the use of the water by hydrants, fireplugs, and public buildings;

(2) Such sum payable by the owner or occupant of any house, tenement, lot, or part of a lot for the water supplied to him there, or for the use thereof, and all rates, costs and charges by this Act to be collected in the same manner as water-rates, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

Powert to make and enforce by-laws for maintenance and management of works.

20. The corporation may from time to time make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management or conduct of the said water-works, and of the officers, and others employed in connection with them, not inconsistent with this Act, and for the collection of the said water-rent and water-rate, and for fixing the time and times when and the places where the same shall be payable;

(2) And also for allowing a discount for prepayment, and in case of default of payment may enforce payment by shutting off the

the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his possession, wherever the same may be found in the municipality, or of any goods and chattels found on the premises, the property of or in the possession of any other occupant of the premises; but where the arrears exceed one quarter, no distress shall be made of any goods and chattels which are not the property of the person liable for the water rate;

(3) Such distress and sale shall be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable to bailiffs under the Division Courts Acts.

21. The attempt to collect the said rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises as hereinbefore provided;

Lien for rate not invalidated by attempt to collect same.

(2) And in the event of any such rate remaining uncollected and unpaid, and continuing a lien upon the said premises as aforesaid, the amount of such rate so in arrears shall be returned by the collectors to the treasurer of the municipality annually, on or before the eighth day of April, in each and every year, or such other time as may be fixed by the corporation by by-law in that behalf, and the same, together with interest at the rate of ten per cent per annum thereon, shall thereupon be collected by such treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes.

22. The said corporation shall have power to employ the ordinary collectors and assessors, and such other persons as in their opinion may be necessary to carry out the objects of this Act, and to specify their duties, and to fix their compensation; and all such persons shall hold their offices at the pleasure of the said corporation, or as the corporation shall determine by by-law in that behalf, and shall give such security as the corporation shall from time to time require, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the municipality may by law possess and enjoy in respect of municipal taxes.

Power to employ collectors and others.

23. The said corporation and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties as justices of the peace now have under the laws of this Province; and the watchman and other officers of the corporation, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authority of constables.

Protection and powers of officers.

Limitation of actions.

24. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of action first arose.

Non-liability for breakage or stoppage.

25. The corporation of the municipality shall not be liable for damages caused by the breaking of any service pipes or attachment, or for any shutting off of any water to repair mains or to tap the mains, if reasonable notice of the intention to shut off the water is given whenever the same is shut off more than six hours at any one time.

Property exempt from execution.

26. All materials procured or partly procured under contract with the corporation, and upon which the corporation shall have made advances in accordance with such contract, shall be exempt from execution.

Property exempt from taxation.

27. The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with, or appertaining, or belonging to the water-works, shall be exempt from municipal taxation.

Power to supply water outside of municipality.

28. The said corporation shall have power and authority to supply, upon special terms, any corporation, or persons with water, although not resident within the municipality, and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well within the suburbs of as within the municipality, and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided that where such water is to be supplied in another municipality which itself possesses water-works, no pipes for this purpose shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within such other municipality without the consent of the council of such municipality; the agreement may be for a term of years or otherwise as may be agreed on.

Proviso.

Power to sell any property when no longer required.

29. The said corporation may dispose of any real or personal property acquired by them for water-works purposes when no longer required, and until sold, may rent or lease the same; any property so sold shall be free from any charge or lien on account of any debentures issued by the corporation, but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any debentures constituting a charge thereon, or should no such debentures then exist, then the said proceeds shall form part of the general funds of the said corporation, and may be applied accordingly;

(2) In case credit is given for any portion of the purchase money of such real property the said corporation may take security, by way of mortgage to secure the same, and the corporation shall have all the rights, powers, and remedies, expressed in or implied by any mortgage given, as fully as if such mortgage had been given to a private person, and every such mortgage, and the proceeds thereof, shall stand as security for any debentures, constituting a charge on the real property, at the time of sale.

30. No member of the council of the municipality shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them, but no person shall be held to be disqualified from being elected or sitting as a member of the council of the corporation by reason of his being a taker or consumer of water supplied by the corporation, or by reason of any dealing or contract with the corporation with reference to the supply of water to such person.

No member of council to be interested in any contract.

31. All persons and corporations who shall by themselves, their servants or agents, by act, default, neglect, or omission, occasion any loss, damage or injury to the water-works of any municipal corporation, or to any plant, machinery, fitting, or appurtenances thereof, shall be liable to the corporation for or in respect of such damage, loss, or injury; and damages in respect thereof may be recovered by the corporation in any court of competent jurisdiction.

Liability of persons doing damage.

32. The corporation may make such by-laws as to the council shall seem requisite for prohibiting, by fine, not exceeding twenty dollars and costs, or by imprisonment in the first instance, for any term not exceeding one calendar month, any person, being tenant, occupant, or inmate of any house, building or other place supplied with water from the water-works, from lending, selling, or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her, or their own use and benefit, or from increasing the supply of water agreed for with the corporation, or from wrongfully neglecting or improperly wasting the water;

Power to make by-laws prohibiting wrongful use of water and regulating supply.

(2) And may also make by-laws for regulating the time, manner, extent and nature of the supply by the works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, regulate, or determine, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and whole-

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some water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied ;

(3) The amount of the fine, the duration of the imprisonment, and also the option between fine and imprisonment, shall be in the discretion of the justice of the peace before whom any proceedings may be taken for the enforcement of any such by-law.

Prohibitions
and penalties.

33. If any person does or commits any of the following acts :

(a) Wilfully or maliciously hinders or interrupts, or causes, or procures to be hindered or interrupted the said corporation, or their managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained ;

(b) Wilfully or maliciously lets off or discharges any water, so that the same runs waste or useless, out of the said works ;

(c) Not being in the employment of the said corporation, and not being a member of the fire brigade and duly authorized in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber, pipe, or hydrant-chamber, by placing on it any building-material, rubbish, or other obstruction ;

(d) Throws or deposits any injurious, noisome or offensive matter into the water or water-works, or upon the ice, in case such water is frozen, or in any way fouls the water, or commits any wilful damage or injury to the works, pipes, or water, or encourages the same to be done ;

(e) Wilfully alters any meter of the water-works placed upon any service pipe or connected therewith, within or without any house, building, or other place, so as to lessen or alter the amount of water registered thereby, unless specially authorized by the said corporation for that particular purpose and occasion ;

(f) Lays or causes to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtains or uses any water thereof without the consent of the said corporation ;

(g) Washes or cleanses any cloth, wool, leather, skin or animals, or places any nuisance or offensive thing within the distance of one mile in the case of a village or town, or within the distance of three miles in the case of a city, from the source of supply for such water-works, in any river, pond, creek, spring, source or fountain from which the water of the said water-works is obtained, or conveys, casts, throws, or puts any filth, dirt, dead carcase, or other noisome or offensive thing therein, or within the distance as above set forth, or causes, permits, or suffers the water of any sink, sewer or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled ;

And such person is convicted of any such act before a justice of the peace having jurisdiction in the locality within which
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the offence is committed, he shall, for every such offence, forfeit and pay a sum not exceeding twenty dollars nor less than one dollar, together with the costs and charges attending the proceedings and conviction, or such offender may be imprisoned in the first instance for any term not exceeding thirty days.

34. The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting justice, and by him paid, one-half to the treasurer of the corporation, and the other half to the prosecutor, unless the prosecutor is the servant or officer of the corporation, in which case the whole of the penalty shall be paid to the corporation.

Application of penalties.

35. The water-works erected or constructed, and also the lands acquired for the purpose thereof, and every matter and thing therewith connected, shall be specially charged with the repayment of any sum or sums which may be borrowed by the corporation for the purposes thereof, and for any debentures which may be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, water-works, and the property appertaining thereto, for securing the payment of the debentures and the interest thereon.

Money borrowed to be a charge on works.

36. After the construction of the works, all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said water-works to be acquired by the said corporation under this Act, shall after providing for the expenses attendant upon the maintenance of the said water-works, subject, however, to the provisions contained in the next preceding section, form part of the general funds of the corporation, and may be applied accordingly.

Application of revenue.

37. The corporation of any city, town, or incorporated village may purchase any water-works constructed within or in the neighbourhood of the municipality, and being the property of any person or company, and, under the provisions of this Act, may improve and extend such water-works.

Power to purchase existing works.

38. The council of the city, town, or village may itself, or by its officers, exercise and enjoy the powers, rights, authorities and immunities hereby conferred upon the corporation of such municipality, or such council may, either before the commencement of the works, or at any time while they are in course of construction, or after their completion, by by-law, assented to by the electors of the municipality, provide for the election of commissioners for such purpose ;

Council may exercise powers hereby conferred or may elect commissioners.

(2) Upon the election of commissioners, all the powers, rights, authorities or immunities which, under this Act, might have been exercised or enjoyed by the council and the officers of the corporation acting for the corporation, shall and may be exercised by the commissioners and the officers appointed by the commissioners,

commissioners, and the council thenceforth during the continuance of the board of commissioners shall have no authority in respect of such works ;

(3) But any officer or employee appointed or employed by the council in or about the construction or management of the works, shall be continued until removed by the commissioners unless his engagement shall sooner terminate ;

(4) Nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of such works, and the treasurer of the municipality shall, upon the written certificate of the said commissioners, pay out any moneys so provided.

Number and
qualification
of commis-
sioners.

39. The commissioners shall consist of a board of not less than three and not more than five, of whom the head of the council shall *ex officio* be one, and the remainder of whom shall be elected annually at the same time and in the same manner as the head of the council, except where a vacancy from any cause occurs on the board, when a commissioner, who shall hold office during the remainder of the term for which his predecessor was appointed, shall be immediately appointed by the said council ;

(2) A majority of the said commissioners shall constitute a quorum for the transaction of any business within the authority of the board ;

(3) Each of the commissioners so elected or appointed shall, during the whole period of his term of office, be possessed in his own right or in the right of his wife, of the same property qualification as is required for a member of the council of the corporation ;

(4) Every commissioner shall, before taking office, make an oath of qualification before some justice of the peace, and shall file such oath with the clerk of the municipality ;

(5) The place of a commissioner shall become vacant from the same causes as the seat of a member of the council of the corporation.

Salary of com-
missioners.

40. The salary, if any, of the commissioners, both during the progress of the works and after their completion, shall from time to time be fixed by the said council, but no member of the council, except the head thereof, shall at the same time, be a member of the said board of commissioners.

No commis-
sioner to be
interested in
any contract.

41. No commissioner appointed as aforesaid shall personally have or hold any contract in connection with the said works, or be directly or indirectly interested in the same, or any of them.

42. The council of the municipality, in case the construction of the works be entrusted to commissioners, may, by by-law assented to by the electors of the municipality, at any time assume the work, remove the commissioners, apportion their current year's salary, and proceed with and manage the works, and, in such case, all the rights, powers, authorities, immunities, duties and liabilities then belonging to the said commissioners, shall be transferred to and vested in the said council, but any officer or employee appointed or employed by the commissioners in or about the construction or management of the works, shall be continued until removed by the council, unless his engagement shall sooner terminate.

Where work entrusted to commissioners council may assume same.

43. The commissioners shall keep, or cause to be kept, separate books and accounts of the receipts and disbursements for and on account of the water rates, distinct from the books and accounts relating to the other property, funds, or assets, belonging to the said water-works; and all such books shall be open to the examination of any person, or persons, appointed for that purpose by the council;

Accounts to be kept by commissioners.

(2) The commissioners, on or before the fifteenth day of January, in each year, or upon such other day as the council may name, shall cause a return to be made to the council containing a statement of the affairs of the water-works, which shall shew the amount of the rents, issues, and profits, arising from the water-works, and the number of tenants supplied with water, during the previous year; the extent and value of the moveable and immoveable property belonging to the water-works; the amount of debentures then issued and remaining unredeemed, and uncanceled, and the interest paid thereon, or yet due and unpaid, and the state of the sinking fund; the expenses of collection and management, and all other contingencies; the salaries of officers and servants; the costs of repairs, improvements and alterations; the prices paid for the acquisition of any real estate that may have been acquired for the use of the water-works; and generally, such a statement of the revenue and expenditure of the water-works, as will at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the water-works;

(3) The commissioners shall also, from time to time, furnish such information as may be required by the council;

(4) All the accounts relating to the said water-works shall be audited by the auditors of the corporation in regular course, and the commissioners and all their officers shall furnish to the auditors such information and assistance as may be in their power, to enable the auditors to properly audit such accounts.

44. The said commissioners, and the clerks employed in their revenue service, shall be sworn before a justice of the peace, to the faithful performance of their duties; the commissioners shall

Oaths of office and records of proceedings.

shall keep a book for the purpose of recording the whole of their official proceedings; and such book shall be open for inspection in the same manner as the books mentioned in the next preceding section.

Rates to be paid to municipal treasurer.

45. All water rents and water rates, when collected, less disbursements by the commissioners, shall, quarterly, or so much oftener as the council may direct, be paid over by the commissioners to the municipal treasurer, and shall be by him placed to the credit of the water-works account.

Construction of minor water-works.

46. Where water-works, for the benefit of a portion only of the municipality, are desired by the owners of any real property in any city, town, or incorporated village, the council, on the petition of the owners of the real property to be served, may pass by-laws for the construction of such water-works, and for assessing and levying upon such real property a special rate, sufficient to include a sinking fund for the repayment of debentures, which such council is hereby authorized to issue on the security of such rate, to provide funds for the construction of such water-works, and shall pass by-laws for so assessing and levying the same by an annual rate in the dollar on the said real property according to the frontage thereof, or according to the value thereof, exclusive of improvements, as may be desired by the petitioners;

(2) The council may also pass by-laws for the management of such works, and may appoint such officers as are required therefor;

(3) The water shall be supplied to the said owners and their tenants at such rates as the council may consider requisite to cover the cost of keeping up the said works and managing the same; and a separate account shall be kept of all moneys received or expended on account of the said works, so that the owners of the said real property and their tenants shall be charged with all expenses and shall obtain the benefit of all receipts on account of the works, and such charges shall, from time to time, be increased or decreased, so that such owners and tenants may obtain the benefit of any excess of receipts from this source for the previous year, or may be charged with any deficiency;

(4) In case any person, subsequent to their construction, desires to receive the benefit of such works, the council may permit him to do so upon such terms as the council may deem just, and may either direct that such person shall be charged for water at a higher rate, which rate the council shall fix, or may pass such by-laws as may be required to charge the property to be served of such person with its proper share of the cost of such works, and for giving the other proprietors the benefit thereof;

(5)

(5) In case any person is dissatisfied with any action of the council under the last preceding sub-section, he may at any time within one month from the passing of the by-law complained of, appeal to the judge of the county court of the county in which the municipality is situated, who, upon notice to the parties, or such of them as he may consider necessary to represent the various interests, shall confirm such by-law, or direct the same to be varied, and the council, in the event of the judge deciding that the by-law should be varied, shall vary the same accordingly.

47. In case there are in any city, town, or incorporated village, water-works under the control of any person or company, the municipal council, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, or part of a street, square, alley or lane, representing in value one-half of the assessed property therein, may pass by-laws for raising such sums as may be necessary for renting, or erecting and renting, hydrants to be used for the protection of such property, and whatever may be thereon, from fire, and for the use of the owners and their tenants for such other purposes as may be desired, or agreed upon, by means of a special rate on the said real property, according to the assessed value thereof;

Provision for
renting or
erecting and
renting
hydrants.

(2) If only part of the street, square, alley or lane, is to be included in the assessment the council may exclude from the assessment, property the owners whereof object to being assessed, if such property is situated at a greater distance from the hydrant nearest thereto, than is the property of every person signing the petition, and the council considers it unfair that such property should be assessed;

(3) If hydrants erected under this section are used for the general purposes of the municipality the corporation shall contribute for such use a fair amount out of the general funds, in relief of the said special rate, or make some other equitable allowance to the persons liable to such rate, in lieu of such contribution.

48. This Act shall be deemed to be incorporated with, and shall be construed as part of the Municipal Acts now, and from time to time, in force.

Act to be
incorporated
with Muni-
cipal Acts.

CHAPTER 26.

An Act to make further provision for the construction of Drainage Works by Municipalities.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application of
R. S. O.,
c. 174, s. 529,
extended.

1. The provisions of the five hundred and twenty-ninth section of the Municipal Act shall be deemed to extend to the re-execution or completion of any works which have been executed or have been partly or insufficiently executed under such section, or under any other provision of any Act of this Legislature, or of the Parliament of the Province of Canada, and to the straightening of any stream, or the removing of any obstruction which prevents the free flow of the waters of any stream, or the lowering of the waters of any lake or pond for the purpose of reclaiming flooded land, or more easily draining any lands, and to any works which it may be deemed expedient to dig, construct, or make for the purposes aforesaid, or any of them; provided that the stream, lake, or pond is, for the purposes of this Act, within the jurisdiction of this Legislature;

(2) The cost of any arbitration held in connection with the construction of any drainage works under the said section, or this section, the cost of the publication of by-laws, and all other expenses incidental to the construction of the works and the passing of the by-laws shall be deemed part of the cost of such works, and included in the amount to be raised by local rate;

(3) Any municipal council issuing debentures under the provisions of the said section, or this section, may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each debenture, and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures, in accordance with this sub-section, to the same amount with interest added, if the council, by subsequent resolution, direct the treasurer to issue debentures in accordance with this section as aforesaid;

(4) The engineer or surveyor in assessing the real property to be benefited by any drainage works to be executed under the said section (as extended by this Act), need not confine his assessment to the part of a lot actually drained, but, in order that the portion to be rated may be conveniently ascertained,

may

may make such assessment on the whole lot, or on the half, quarter, or other described part of the lot, if the person owning the part actually drained owns the whole lot, or owns such half, quarter, or other described part of the lot ;

(5) The proportion of benefit to be derived from any drainage works by different parcels of land or roads may be shewn by the engineer or surveyor by placing sums of money opposite such parcels and roads, and it shall not be deemed to have been necessary to state the fraction of the cost to be borne by each parcel or road.

2. Where any drainage works proposed to be constructed in any locality under the said section affect more than one municipality, either on account of such works passing, or partly passing, through two or more municipalities, or on account of the lowering or raising of the waters of any stream or lake, which is contemplated in the proposed scheme of drainage, either draining or flooding lands in two or more townships, the county council of the county to which such municipalities belong, upon the application of the council of any of the municipalities affected, and without any preliminary petition from the owners of the property to be benefited, may pass by-laws for the purposes authorized by the said five hundred and twenty-ninth section of the said Act ;

Where more than one municipality affected county council may pass by-law.

(2) Unless where contrary to this Act, the provisions of section five hundred and twenty nine, five hundred and thirty, and of five hundred and thirty-one, as amended by the twenty-seventh section of the Act passed in the forty-second year of Her Majesty's reign, chaptered thirty-one, and by the first section of the Act passed in the forty-fourth year of Her Majesty's reign, chaptered twenty-four, of section five hundred and thirty-two, as amended by the twenty-third section of the Act passed in the forty-third year of Her Majesty's reign, chaptered twenty-four, and of sections five hundred and thirty-three, five hundred and thirty-five, and five hundred and forty-five of the said Municipal Act shall apply to any drainage works constructed under this section ; but the court to be held for the trial of complaints in the first instance shall be composed of three or more persons, nominated by the county council for that purpose, who may or may not be members of the council, as the council may deem expedient, and any three or more of the persons nominated who are present at the sittings of such court may proceed and adjudicate upon any complaints, notwithstanding the absence of one or more of the members of the court. The engineer or surveyor who made the assessment shall not be a member of the court of revision ;

(3) The sittings of such court shall be held in the county town, or in such other place or places as the county council or the majority of the said court may name. All complaints
against

against the assessment shall be lodged with the clerk of the county.

County to raise necessary funds, but townships to be liable for same.

3. The county shall raise the money necessary for the construction of the said works, but each township shall be liable to the county for the amount payable in respect of all the lands within such township, and each township shall pass such by-laws as may be requisite for collecting the amount assessed against the lands or roads within its jurisdiction.

Damages caused by drainage to be charged on land liable for cost of drainage.

4. Where, on account of proceedings taken under the said Act or under this Act, damages are recovered against the corporation or parties constructing the drainage works beyond the amounts which have been taken into consideration in estimating the cost of such works, the lands liable to assessment for such drain shall be charged with the amount so recovered on account of such drainage works, *pro rata*, according to their assessment, and the council of each township shall pass such by-laws as may be necessary for levying the same, with interest, against the lands within such township liable thereto, either in one or more annual instalments, as the council may deem expedient; and if the council considers it advisable to spread such amount over several years, such council may pass by-laws for issuing debentures in order to raise the necessary moneys to pay the said damages.

Duty of minor municipalities as to repairing works.

5. After any drainage works undertaken under the second section of this Act are fully made and completed, it shall be the duty of each minor municipality to preserve, maintain and keep in repair the same within its own limits, in accordance with the requirements of the five hundred and forty-second section of the Municipal Act which shall be applicable thereto.

Construction of works in several counties.

6. In case the municipalities upon which the cost of the drainage works would fall are in several counties, any of the counties may procure an examination to be made by an engineer or Provincial land surveyor of the lands affected by the proposed works, and may procure plans of the work, and estimates to be made of the cost thereof, including an estimate of the amount to be paid for damages, if any, and an assessment to be made by such engineer or Provincial land surveyor of the real property to be benefited, stating, as nearly as may be in the opinion of such engineer or surveyor, the proportion of benefit to be derived from such works by every road and lot or portion of lot;

(2) Any municipality may agree to indemnify the county, in respect of the expenses incurred in case of the works not being proceeded with.

7. The council shall thereupon, if it considers it desirable to proceed with the work, pass a resolution to this effect, and shall cause a copy of the said report to be published at least once in newspapers published in the county towns of the several counties affected, or in newspapers published in such of the said county towns as have newspapers, but it shall not be necessary that such report shall be published in more than one paper in one county town, and shall cause to be served a copy of the report, plans, specifications, estimates and assessment upon the warden of each of the other counties affected.

If work approved by council report to be published, and copies of plans, etc., served on warden of each county.

8. In case ten of the owners of the property assessed, within ten days of the first publication of the said report in a newspaper in the county town of the county the council of which procured the examination to be made, petition such council not to proceed with the work, such council shall, if it desires to proceed therewith, pass a by-law for taking the votes of the persons assessed upon the question whether or not the work shall be proceeded with; such by-law shall provide for holding a polling place in each municipality affected, whether within or without the county passing the by-law; and every person whose lands are assessed, or if the lands of a married woman are assessed, then the husband of such married woman shall be entitled to vote upon the question: Provided the person proposing to vote is of the full age of twenty-one years, and shall, if required, name the lands in respect of which he claims to be entitled to vote; and shall also, if required, take the oath or affirmation in the schedule appended to this Act;

When votes of persons assessed to be taken.

(2) The clerk of each municipality shall act as deputy returning officer at the polling place in such municipality, and the proceedings for taking the poll shall be the same, as nearly as may be, as the proceedings upon voting upon a by-law;

(3) The clerk of the county council which passed the by-law shall act as returning officer.

9. If a vote of the owners has been taken, and they have decided in favour of proceeding with the work, or if such a vote has not been taken, then after the time for presenting a petition as aforesaid has elapsed, in case the council or councils of the county or counties upon which two-thirds of the cost of such work fall shall have passed a resolution or resolutions to the effect that it is desirable to proceed therewith, the council which caused the survey to be made may serve upon the warden of the other county, or each of the other counties, a notice (hereafter called a requisition of appeal) requiring such county to state whether or not it is content to accept the assessment made, as shewing the proper proportion to be borne by such county, and notifying such council that if dissatisfied with such assessment they must, within thirty days from the receipt of such notice by their warden, appeal therefrom;

Service of "requisition of appeal," and effect thereof.

(2) If the council whose warden is served with a requisition of appeal do not, within thirty days of such service, serve the warden of the council from which they received the requisition with a written notice of appeal, they shall be deemed to have accepted the assessment: Provided that the High Court of Justice, or any judge thereof, if it be shewn that the omission to serve the notice of appeal was through mistake, oversight, or misadventure, may upon such terms, as to the said court or judge seem just, relieve them, and permit them to appoint an arbitrator ;

(3) In case a council whose warden is served with a requisition of appeal is dissatisfied with the proportion assessed against the county, or with the proportion assessed against any other county, they shall, within thirty days of the receipt of the requisition by their warden, serve the warden of the county from which they received the requisition with a written notice of appeal, and shall also serve each of the other counties affected with a like notice ;

(4) Such notice shall state the grounds of appeal, the name of an arbitrator appointed by such council, and shall call upon the council served to appoint an arbitrator on their behalf within ten days after service of such notice ;

(5) In default of an appointment, within the said term the judge of the county court of the county in default shall appoint an arbitrator for such county ;

(6) Neither the engineer or surveyor, who made the assessment nor any officer or member of any council concerned, shall be appointed an arbitrator ;

(7) In case, after such council has appointed an arbitrator, there is an even number of arbitrators, such arbitrators shall select an additional arbitrator, or in case of such arbitrators not agreeing in such selection within thirty days after the completion of their number, the Lieutenant-Governor in Council may appoint such additional arbitrator.

Arbitrators to apportion cost of work.

10. The arbitrators shall, by their award, determine the proportion of the cost of such work that is to be borne by each of the minor municipalities whose lands are affected thereby.

Decision of majority to be binding.

11. In case of a difference between the arbitrators, the decision of the majority shall be conclusive, and the arbitrators shall make their award in so many parts as may be necessary to permit of one thereof being filed with the clerk of each of the counties interested, and one shall be filed with the clerk of each such county accordingly.

Application to High Court of Justice when

12. In case a majority of the arbitrators are unable, within six months of their appointment, to agree, or in case, prior

prior to the expiration of the said term they, by an instrument in writing, signed by the majority of them, declare their inability to agree upon a complete award, any of the counties interested may apply to a judge of the High Court of Justice to appoint an umpire, and the said umpire may make an award upon hearing the points in difference between the arbitrators stated by them, or may, if he deems necessary, re-hear the entire case, or such particular parts thereof as he considers requisite.

arbitrators
unable to
agree.

13. Any of the minor municipalities interested may appear, by their head, or by their counsel or agent, before the arbitrators in support of the assessment, or of any variations which they contend should be made in the proportions in which the minor municipalities are assessed.

Right of minor
municipalities
interested to
appear on
arbitration.

14. In case more counties than one are concerned, no by-laws for assessing the cost of the work upon the various parcels and roads shall be passed until it is ascertained there is not to be an appeal, or until after the award is made, where an appeal is had.

Where several
counties
interested by-
laws for assess-
ment not to be
passed pending
appeal.

15. Immediately upon an award being made, or, in case there is no appeal, immediately after the time for appealing has elapsed, each county interested shall pass a by-law or by-laws to raise the sum chargeable against such county, and for assessing and levying the same, in accordance with the proportions fixed by the report of the engineer or surveyor, upon the real property within the county to be benefited by the said works, and for the appointment of a court for the trial, in the first instance, of complaints against such assessment, in the same manner and subject to the same conditions as is hereinbefore provided in respect of a county which is solely interested.

After award
made, or after
time for appeal
expired, each
county to pass
by-law for
raising sum
required.

16. The second and third sub-sections of the second section, and the third, fourth, and fifth sections of this Act shall apply to drainage works in which several counties are interested, as well as to works which only affect one county.

Application of
ss. 2-5.

17. In any case wherein the better to maintain any drain constructed under the provisions of the "Ontario Drainage Act of 1873," or of the Revised Statute respecting the expenditure of public money for drainage works, or to prevent damage to adjacent lands, it shall be deemed expedient to change the course of such drain, or make a new outlet, or otherwise improve or alter the drain, the council of the municipality, or of any of the municipalities whose duty it is to preserve and maintain the said drain, may, on the report of an engineer appointed by them to examine and report on such drain, undertake and complete the alterations and improvements specified in the report under the provisions of the sections

Power to
change course
of drain, make
new outlet,
etc.

sections of "The Municipal Act," numbered from five hundred and twenty-nine to five hundred and forty-one inclusive, without the petition required by section five hundred and twenty-nine.

Assessment roll prepared under R. S. O. c. 33, not affected by irregularity in appointment of assessors.

18. No assessment roll prepared under the Ontario Drainage Act shall be affected by any irregularity or informality in the appointment of the assessors who prepared the same; but every such assessment roll deposited with the registrar or registrars of the county or counties, riding or ridings, in which the lands are situate, in accordance with the requirements of the thirty-fourth section of the said Act, shall be good, valid and effectual, notwithstanding any irregularity therein, or in the manner in which the same was prepared: Provided nothing herein contained shall prevent any roll being corrected in accordance with the sections numbered from six to nine, both inclusive, of the Act passed in the forty-fourth year of Her Majesty's reign, intituled "An Act to Amend the Ontario Drainage Act;"

(2) After assessors have commenced to make their assessment under the said Act, the council shall have no authority to remove them, or any of them, but in case any of such assessors shall, after commencing the assessment, die or resign, or become incapacitated from proceeding with the assessment, the council may, with the assent of the Lieutenant-Governor in Council, appoint another assessor to act in the place of the assessor who has died, resigned, or become incapacitated, and the declaration of the Lieutenant-Governor in Council of such incapacity shall be conclusive evidence thereof;

(3) In the event of such appointment, the assessors need not commence such assessment anew, but may proceed with and complete the roll which had been commenced.

Powers of municipalities to be subject to the Railway, Streets and Drains Act, 1882.

19. In case any of the works under this Act, or the other Acts hereinbefore referred to, are to be carried through, across, under or along the railway of any railway company, in respect of which this Legislature has authority in this behalf, the powers of the municipal councils are, so far as regards the railway, to be exercised, subject as nearly as may be to the terms and restrictions contained in the "Railway, Streets and Drains Act, 1882."

SCHEDULE.

FORM OF VOTER'S OATH.

(Section 8.)

1. You swear that you are of the full age of twenty-one years, and a natural born (or naturalized) subject of Her Majesty.
2. That you have not voted before in the township on the question now being voted upon.

3. That you are the owner of the lands in respect of which you claim to vote, namely (*here mention the lands*).

4. That you are, according to law, entitled to vote on the said question.

5. That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender.

6. That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on the said question, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

7. That you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting.

So, help you God.

CHAPTER 27.

An Act respecting unexpended moneys under the Municipal Loan Fund Settlement.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No interest, except what may have accrued previous to the first day of January, one thousand eight hundred and eighty-two, shall be allowed to any municipality upon any moneys payable under the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "An Act respecting the Municipal Loan Fund Debts, and respecting certain payments to Municipalities," which, after the said first day of January, remain in the hands of the Provincial Treasurer.

No interest to be allowed on sums left with Provincial Treasurer after January, 1882.

2. The provisions of the Act passed in the fortieth year of Her Majesty's reign, intituled "An Act respecting payments to unorganized Townships, or parts of Districts, under the Municipal Loan Fund scheme," shall apply to the unorganized township of Tuscarora, in the county of Brant.

40 Vic., cap. 13, to apply to township of Tuscarora.

3. The municipal council of any municipality may pass by-laws for appropriating any unexpended money received by such municipality under the Act intituled "An Act respecting the Municipal Loan Fund Debts, and respecting certain payments to Municipalities," for any purpose within the meaning of the said Act; providing such by-laws, before being acted upon, shall receive the sanction of the Lieutenant-Governor in Council.

Appropriation of unexpended moneys by municipalities.

CHAPTER 28.

An Act to amend the Assessment Act.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Bill may be cited as the "Assessment Amendment Act, 1882."

R.S.O., c. 180,
s. 3 amended.

2. Section three of the Assessment Act (Revised Statutes of Ontario, chapter one hundred and eighty) is hereby repealed, and the following substituted in lieu thereof :

Unoccupied
land to be de-
nominated
"lands of non-
residents,"
unless owner
is domiciled in
municipality
or requires his
name to be en-
tered on roll.

3. Unoccupied land shall be denominated "Lands of non-residents," unless the owner thereof has a legal domicile or place of business in the local municipality where the same is situate, or gives notice in writing setting forth his full name, place of residence and post-office address, to the clerk of the municipality, on or before the twentieth day of April in each year, that he owns such land, describing it, and requires his name to be entered on the assessment roll therefor, which notice may be in the form or to the effect of Schedule A to this Act ; and the clerk of the municipality shall, on or before the twenty-fifth day of April in each year, make up and deliver to the assessor or assessors a list of the persons requiring their names to be entered on the roll, and the lands owned by them. It shall not be necessary to renew such notice from year to year, but the notice shall stand until revoked or until the ownership of the property shall be changed.

Owner may
apply to have
his name en-
tered on roll
whether notice
given or not.

3. When the name of any owner of any such unoccupied land shall not have been entered upon the assessment roll in respect thereof by the assessor, such owner or his agent shall be entitled to apply to the Court of Revision to have the same so entered, whether the notice in the preceding section mentioned has or has not been given, and the court may order the name to be entered, notwithstanding such notice has not been given, or has not been given by the time in this Act provided ;

(2) Or any such owner or his agent shall be entitled, within the time allowed by law for other applications in that behalf, to apply to the judge to have the name of such owner entered upon the voters' lists, whether any such notice has or has not been given ; and the judge may direct that the same be so entered, notwithstanding such notice has not been given, or has not been given by the time in this Act provided.

4. Sub-section four of section twelve of the Assessment Act, as amended by section one of the Assessment Amendment Act, 1881, is hereby further amended by adding thereto four additional columns as follows:—

“Column 30—Acres of woodland.

“Column 31—Acres of swamp, marsh, or waste land.

“Column 32—Acres of orchard and garden.

“Column 33—Number of acres under fall wheat.”

R. S. O., c. 180, sec. 12, sub-sec. 4, as amended by 44 Vic., c. 25, sec. 1, further amended.

But nothing in this section contained shall apply to or affect any assessment or assessment roll for the year one thousand eight hundred and eighty-two.

5. Section ninety-two of the Assessment Act, so far as the same is applicable to cities and towns, is hereby repealed, and the following substituted therefor:—

Section 92 repealed as to cities and towns.

92. He shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local Municipality in and for which such Collector has been appointed, and shall demand payment of the taxes payable by such person; or he shall leave or cause to be left with the person taxed, or at his residence or domicile, or place of business, or upon the premises in respect of which the taxes are payable, a written or printed notice, specifying the amount of such taxes, and shall, at the time of such demand or notice, or immediately thereafter, enter the date thereof on his collection roll opposite the name of the person taxed, or cause the same to be so entered; and such entry shall be *prima facie* evidence of such demand or notice.

Collectors to demand payment of rates.

6. Section ninety-three of the Assessment Act is hereby amended by inserting after the words “such demand,” in the second line thereof, the words “or in the case of cities and towns, after such demand or notice.”

Sec. 93 amended.

7. Sub-section two of said section ninety-three, added thereto by section five of the Assessment Amendment Act, 1881, passed in the forty-fourth year of Her Majesty's reign, and chaptered twenty-five, is hereby amended by inserting after the word “made,” in the first line thereof, the words “or in the case of cities or towns, after demand has been made “or notice served,” and by inserting after the word “demand,” in the eleventh line of said sub-section, the words “or notice,” as the case may be.

Sec. 93, sub-sec. 2, amended.

8. Section ninety-four of the Assessment Act is amended by adding thereto the following words: “and the said statement and demand shall contain, written or printed on some part thereof, the name and post office address of such collector.”

Section 94 amended.

9. Section one of the Act passed in the forty-third year of Her Majesty's reign, chapter twenty-seven, intituled “An Act

43 Vic., c. 27, s. 1, amended.

“respecting

“respecting Municipal Assessments and Exemptions,” is amended by adding therein the words “water-works,” immediately after the words “gas-works,” in the second and third lines of the second sub-section of said Act.

CHAPTER 29.

An Act to establish a Provincial Board of Health, and to give increased powers to Local Boards of Health.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Provincial
Board of
Health estab-
lished.

1. A Board of Health for the Province of Ontario is hereby established, and may be known and called “The Provincial Board of Health of Ontario.” It shall consist of not more than seven members, one of whom may be the secretary of the board. The members thereof shall be appointed by the Lieutenant-Governor in Council. Three members thereof may, upon the constitution of the board, be appointed to hold office for the period of two years, and the other three thereof for a period of three years; subsequent appointments may be for a period of three years, and any retiring member shall be eligible for re-appointment. At least four members of the board shall be duly registered medical practitioners.

Salaries and
allowances of
chairman and
members of
the board.

2. The chairman of the board shall be appointed by the Lieutenant-Governor in Council, and shall be paid an annual salary not exceeding the sum of four hundred dollars per annum. The services of the other members of the board, except the secretary, shall be honorary, and they shall be paid no per diem allowance or compensation, but their travelling and other necessary expenses, while employed on the business of the board, shall be allowed and paid.

Duties of
board.

3. The Provincial Board of Health shall take cognizance of the interests of health and life among the people of the Province. They shall especially study the vital statistics of the Province, and shall endeavour to make an intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting causes of disease, and especially of epidemics; the causes of mortality and the effects of localities, employments, conditions, habits, and other circumstances upon the

the health of the people; they shall make such suggestions as to the prevention and introduction of contagious and infectious diseases as they shall deem most effective and proper, and as will prevent and limit as far as possible the rise and spread of disease; and they shall, when required or when they deem it best, advise officers of the Government and Local Boards of Health in regard to the public health and as to the means to be adopted to secure the same, and as to location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building.

4. The board shall from time to time, and especially during the prevalence in any part of the Province of epidemic, endemic or contagious disease, make public distribution of such sanitary literature, and of special practical information relating to the prevention and spread of contagious and infectious diseases through the medium of the public press, and by circular to local boards of health and health officers, municipal councils, and in and through the public schools and otherwise as shall be deemed by them in the interest of the public health. Information to be published.

5. The board shall meet quarterly at Toronto, and at such other places and times as they may deem expedient. Three members of the board shall be a quorum for the transaction of business, and they shall have power to make and adopt rules and by-laws regulating the transaction of its business, and may provide therein for the appointment of committees, to whom they may delegate authority and power for the work committed to them. Meetings of board.

6. The members of the board may, with the approval of the Lieutenant-Governor in Council, send their secretary or any member or members of the board to any part of the Province when deemed necessary to investigate the cause or causes of any special contagious epidemic or endemic diseases, or of mortality; and such investigation may be taken upon oath or otherwise as to the said investigating committee or secretary may appear to be necessary, and in such case the secretary or any member of the board present at the investigation may administer the oath. Investigations in special cases.

7. The Lieutenant-Governor in Council may appoint a competent and suitable person as secretary of the board, who shall hold office during pleasure, and who may be paid an annual salary not exceeding one thousand dollars per annum, and who shall be the chief health officer of the Province. Appointment of secretary.

8. The secretary shall keep his office at Toronto, and perform the duties prescribed by the Act or required by the board; he shall keep a record of the transactions of the board and shall, so far as practicable, communicate with other Provincial or State Boards of Health, and with the Local Boards of Health, Duties of secretary.

Health, and health officers within the Province, and with municipal councils and other public bodies, for the purpose of acquiring or disseminating information concerning the public health; and he shall also use such means as are practicable to induce municipal councils to appoint health officers or Local Boards of Health within their municipality. He shall also assist in preparing the annual report of the Registrar-General in relation to the vital statistics of the Province, and shall perform such other duties and functions relating to vital statistics and otherwise as may be assigned to him by the Lieutenant-Governor in Council.

Board to keep supply of vaccine matter.

9. The board shall keep at all times an adequate supply of vaccine matter for the purpose of supplying at cost price, or upon such other terms as the board may from time to time determine, every legally qualified medical practitioner with such reasonable quantities of the said matter as he from time to time requires.

Lieut.-Gov. may, by proclamation, declare board to have powers of Central Board of Health, under R.S.O., c. 190.

10. In the event of a proclamation being issued by the Lieutenant-Governor under the provisions of the ninth or tenth sections of the Act respecting the Public Health (Revised Statutes of Ontario, chapter one hundred and ninety), the Lieutenant-Governor may by proclamation declare the said Provincial Board of Health to have and possess all the powers, rights and authorities conferred upon or vested in the Central Board of Health by the said one hundred and ninetieth chapter of the Revised Statutes of Ontario, and such board shall in such case possess and may exercise in their own name all or any of such powers, rights and authorities in addition to any other powers by this Act conferred.

Following sections to be read as part of R.S.O., c. 190.

11. The following sections shall be read in connection with, and as part of, "An Act respecting the Public Health," (Revised Statutes of Ontario, chapter one hundred and ninety); and shall be and continue in force whether the proclamation provided for by the ninth section of said last-named Act shall be issued or not.

Municipalities may establish hospitals for small-pox patients, etc.

12. Every municipality may establish or erect, and may also maintain, one or more hospitals for the reception of persons having the small-pox or other disease which may be dangerous to the public health; or any two or more municipalities may join in establishing, erecting, or maintaining the same; but no such hospital shall be erected by one municipality within the limits of another municipality without first obtaining the consent of such other municipality to the proposed erection.

Regulation of hospital, sick, etc.

13. When any hospital shall be so established, the physician attending the same, or the sick therein, the nurses, attendants, and all persons who shall approach or come within the limits of

of the same, and all such furniture and other articles as shall be used or brought there, shall be subject to such regulations as shall be made by the health officers or Local Boards of Health.

14. When the small-pox, or any other disease dangerous to the public health, shall break out in any municipality, the health officers or Local Boards of Health, in case the municipality shall not have provided the same, shall immediately provide such a temporary hospital, or place of reception for the sick and infected, as they shall judge best for their accommodation and the safety of the inhabitants, at the cost of the municipality; and such hospital, or place of reception, shall be subject to the regulations of the health officers or Local Boards of Health, in the same manner as is hereinbefore provided for an established hospital.

Local Boards of Health to establish hospitals in case of small-pox, etc., if municipality neglects same.

15. When the small-pox, or any other disease dangerous to the public health, is found to exist in any municipality, the health officers or Local Board of Health shall use all possible care to prevent the spreading of the infection or contagion, and to give public notice of infected places by such means as, in their judgment, shall be most effective for the common safety.

Precautions to be taken to prevent infection.

16. The health officers of any municipality, or the Local Board of Health, or any committee thereof, may isolate any person having the small-pox or other disease dangerous to the public health, and may cause to be posted up on or near the door of any house or dwelling in which such person is, a notice stating that such disease is within the said house or dwelling.

Isolation of persons having small-pox, etc.

17. When any person coming from abroad, or residing in any municipality within the Province, shall be infected, or shall lately before have been infected with, or shall have been exposed to the small-pox or other disease dangerous to the public health, the health officers or Local Board of Health of the municipality, where such persons may be, may make effective provision in the manner which to them shall seem best for the public safety, by removing such person to a separate house, or by otherwise isolating him, if it can be done without danger to his health, and by providing nurses and other assistance and necessities for him at his own cost and charge, or the cost of his parents or other person or persons liable for his support, if able to pay the same, otherwise at the cost and charge of the municipality.

Isolation of persons infected or who have been exposed to infection.

18. Whenever any householder shall know that any person within his family has the small-pox or any other disease dangerous to the public health, he shall immediately give notice

Notice to be given by householder in case of small-pox, etc.

notice thereof to the Local Board of Health, or to the health officers of the municipality in which he resides.

Notice to be given by physician.

19. Whenever any physician shall know that any person whom he is called upon to visit is infected with the small-pox or any other disease dangerous to the public health, such physician shall immediately give notice thereof to the Local Board of Health or health officers of the municipality in which such diseased person may be.

Penalty for neglect to give notice.

20. Any person or persons, physician or physicians, to whom the two preceding sections shall apply, who shall refuse or neglect to give the notice by such section required to be given by him or them respectively, shall be subject to the penalties provided by the thirty-second section of "The Act respecting the Public Health," and the said thirty-second section and the subsequent sections of said Act shall apply to any prosecution and proceedings under the said preceding sections.

Payment of salaries and expenses.

21. The expenses of the said Provincial Board and the salaries of the chairman and secretary shall be paid out of such moneys as may, from time to time, be appropriated by the Legislature for that purpose.

Short title.

22. This Act may be cited as "The Public Health Act, 1882."

CHAPTER 30.

An Act respecting certain amendments in the School Law.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Public Schools.

Third class certificates awarded by County Board to entitle holder to employment without indorsement of Inspector.

1. In the case of third class public school teachers, certificates which have been, or may be, awarded by any County Board of Examiners to those passing the professional examination after attendance at a county model school, shall entitle the holder thereof to be employed as a duly qualified public school teacher in any county in the Province, without being required to obtain the indorsement of the Public School Inspector thereof.

2. It shall be the duty of the County Inspector in every case, and of the Public School Board or Trustees by whom any public school teacher, holding a third class certificate, has been employed, to prepare and send in annually to the Education Department, on or before the first day of June, a separate and independent report as to the fitness, aptness and success in teaching of each such teacher; and the Minister of Education shall have authority thereupon to determine whether at the expiration of the term of such certificate, any such teacher is entitled to any and what extension of such term, and to grant the same for such period as the circumstances of each case may justify.

Annual report as to teachers holding third class certificates.

3. Third class district certificates may be granted, subject to the regulations of the Education Department, to be valid only in the territorial and remote districts following, namely:—Thunder Bay, Nipissing, Algoma and Parry Sound, also in the northern parts of the Counties of Victoria (including the district of Muskoka), Peterborough (including the county of Haliburton), Hastings, Frontenac, Lennox and Addington, and Renfrew, as may be defined by the Education Department. The Board of Examiners for any such district certificate shall consist of the judge (where one) and stipendiary magistrate, with the Inspector (if any) in the territorial and other districts, and in counties, of the Inspector and two members appointed by the Minister of Education.

Third class district certificates.

4. The trustees of every rural school corporation shall, before the fifteenth day of January in each year, give notice in writing to the clerk of the township in which their school is situate of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them.

Names and addresses of trustees of rural school corporations and of the teachers to be given to township clerk.

5. In the case of every union school section or school division within section three of the School Act of 1880 (forty-three Victoria, chapter thirty-two), the amounts payable by the several ratepayers in each part of the union school section or school division, as and when collected, shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union or school division is situate in fact, and such treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto, and the last paragraph of sub-section two of the said third section is hereby amended accordingly.

43 Vic., c. 32, s. 3, amended. Payment to trustees of union school sections.

6. Any writ of subpoena authorized to be issued by the twelfth section of the School Act of 1880, may be issued from the High Court of Justice by the proper officer in that behalf upon the *præcipe* of the Minister of Education therefor, containing the names of the several witnesses intended to be summoned thereby, and it shall not be necessary to obtain any order of the said court or a judge thereof.

Issue of subpoenas under 43 Vic., c. 32, s. 12.

High Schools.

Board of
Examiners for
admission to
High Schools.

7. The provisions in the thirty-first section of the Act respecting Public, Separate and High Schools passed in the forty-second year of Her Majesty's reign, chaptered thirty-four, are hereby limited to High Schools and Collegiate Institutes in cities and towns separated from the county, and in all other cases of High Schools or Collegiate Institutes situated in towns, villages or townships, the Board of Examiners for the admission of pupils to the High Schools and Collegiate Institutes therein respectively shall be constituted by the County Inspector of the district in which the High School is situate, the Public School Inspector of the town (if any), the High School Head-master and the Chairmen of the High and Public School Trustees respectively; and the expenses of such examination, after deducting any fees authorized by regulations of the Education Department, are to be paid by the County Council according to the provisions in that behalf contained in the High Schools Act;

(2) The Chairman of the Separate School Trustees shall also be a member of the Board of Examiners in any city, town, village or township in which the High School and Separate School are each situate.

R. S. O.,
c. 205, s. 4,
repealed.

8. Section four of the High Schools Act and sub-section two thereof are hereby repealed, and the terms and conditions on which existing Collegiate Institutes may be continued or discontinued, and new ones established, shall be subject to and in accordance with the regulations of the Education Department at any time passed for the purpose, and approved by the Lieutenant-Governor in Council;

(2) Any such regulations shall be laid before the Legislative Assembly within the first seven days of the session next after the Order in Council is made for its ratification or rejection, and no such order shall be operative unless, and until, the same has been ratified by resolution of the Legislative Assembly.

CHAPTER 31.

An Act to amend the Act respecting the Property of Religious Institutions.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The following sections shall be added to the Act respecting the property of Religious Institutions, as sections twenty and twenty-one thereof respectively :

R. S. O.,
c. 216,
amended.

20. Whenever any two or more different parcels of land adjoining each other, or in the same neighbourhood, are held as sites for burial grounds by different bodies of trustees, whether of the same denomination, society, or congregation, or of different denominations, societies, or congregations of Christians, and such trustees think it desirable that for purposes of economic management, or any other reason, such parcels should be vested in one body of trustees, such two or more bodies of trustees, or the majority of each of such bodies, may, by deed under their hands, appoint trustees to whom and their successors to be appointed in such manner as may be specified in such deed, all or any of the lands vested in such appointing bodies of trustees as sites for burial grounds may be conveyed, and such trustees so by such deed appointed, and their successors in perpetual succession by the name expressed in the deed, may take, hold and possess the lands thereby or thereafter conveyed to them as a site or sites for a burial ground, and maintain and defend actions in law and equity for the protection thereof and of their property therein, and the said several appointing bodies of trustees may, in or by the same deed of appointment, or by any other deed or deeds, convey and assure all or any of the parcels of land so as aforesaid vested in them respectively to such trustees so appointed and their successors upon, with and subject to such trusts, powers, limitations and provisions not inconsistent with the purposes of a burial ground, as shall by the parties thereto be deemed proper.

Power to
appoint joint
trustees for
two or more
burial grounds
which adjoin
each other.

21. No such deed of appointment of trustees, and no such conveyance or assurance shall be made or executed by any body, or the majority of any body, of trustees, unless or until the congregation or religious body for whose use the lands are held shall be duly notified thereof, and its assent obtained for the execution of such deed of appointment, or of such conveyance or assurance, and such assent shall be signified by the votes of a majority of the members present at

Assent of
congregation
or religious
body required.

a meeting of the congregation or body duly called for the purpose ;

(2) Such assent shall be held in favour of such new trustees and their successors to be testified by the execution of said deed by the chairman at such meeting, or by the official head of such religious body, or by some person appointed at such meeting for the purpose ; and the person assuming to execute said deed as chairman, official head, or appointee, shall be presumed to be such official chairman, head, or appointee (as the case may be).

CHAPTER 32.

An Act to amend the Act respecting Lunatic Asylums and the Custody of Insane Persons.

[Assented to 10th March, 1882.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Examination
of destitute
insane
persons.

1. In any municipality within the Province of Ontario, where an insane person is in destitute circumstances, and is a fit subject for asylum treatment, application may be made to the head of the municipality for an examination to be made, and certificate given, in accordance with sections eight, nine, and ten, of chapter two hundred and twenty of the Revised Statutes of Ontario. The head of the municipality, if satisfied that the insane person is in destitute circumstances, shall, immediately after receiving such application, notify two medical practitioners to make the required examination.

Payment of
expenses of
examination,
etc.

2. The council of the municipality shall pay the medical practitioners for such examination and certificate a sum not exceeding five dollars each, and twenty cents for each mile necessarily travelled, and shall also pay the necessary expenses incurred in conveying such insane person or persons to one of the Provincial Lunatic Asylums ; said sum to be reimbursed to the municipality by the county, where the municipality is a part of the county.

R.S.O., c. 220,
s. 8, amended.

3. Section eight of the above recited Act is hereby amended by substituting the word "two" for the word "three" in the third line thereof.

CHAPTER 33.

An Act to provide for the division of the Township of Grimsby.

[Assented to 10th March, 1882.]

WHEREAS certain inhabitants and ratepayers in the township of Grimsby, in the county of Lincoln, have, by their petition, represented that it is expedient to separate said township of Grimsby into two distinct municipalities, inasmuch as such division will greatly promote the welfare and convenience of its inhabitants, and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Upon, from and after the last Monday of December, one thousand eight hundred and eighty-two, the inhabitants of all that portion of said township of Grimsby which lies north of the centre of the allowance for road between the sixth and seventh concessions in said township, including that portion of East Gore north of said allowance for road, shall constitute a separate township or corporation, under the name of the Corporation of the Township of North Grimsby, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school, and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges, and be subject to all the liabilities appertaining to, other townships in the Province of Ontario. Township of North Grimsby.

2. Upon, from and after the said last Monday of December, one thousand eight hundred and eighty-two, the inhabitants of all that portion of the township of Grimsby which lies south of the centre of the allowance for road between the sixth and seventh concessions, easterly to the easterly limit of said township, shall constitute a separate township or corporation, under the name of the Corporation of the Township of South Grimsby, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school, and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall possess and enjoy all the rights and privileges, and be subject to all the liabilities appertaining to, other townships in the Province of Ontario. Township of South Grimsby.

3. All and every the assets and debts of the present municipality of Grimsby shall be divided between the said respective municipalities Division of assets.

municipalities of North Grimsby on the one hand and South Grimsby on the other, in the same manner and by the same proceedings, as nearly as may be, as in the case of the separation of a junior township from a senior township under the provisions of the Municipal Act; and so soon as the said debts shall have been divided as aforesaid, each of the said municipalities shall be bound to the payment of the share of the said debts, which shall have been so assigned to it as aforesaid, as though such share of the said debts had been incurred by such municipalities respectively; each of the townships hereby created remaining however liable as surety in respect of the share (if any) of the said debts, which it is not its duty primarily to pay; but both the said municipalities shall be liable to all creditors of the said corporation of the township of Grimsby, and both the said new corporations may be sued in an action or suit for the recovery of any debt owing by the said corporation at the time of the separation.

Election of
council.

4. The first nomination for the election of municipal councillors for the said townships respectively shall take place on the said last Monday of December, one thousand eight hundred and eighty-two, at noon, and the polling (if any) at such election shall take place on the same day of the week in the week next following the said nominations. The place for holding such election for the township of North Grimsby shall be at the public school house, in the present union school section, number thirteen, situated in the said township of North Grimsby, and the returning officer at such election shall be Ira F. Calder, of the said township, yeoman, and the place of holding the election for the township of South Grimsby shall be at the Agricultural Hall, in the village of Smithville, and the returning officer at such election shall be the township clerk of the present municipality of the township of Grimsby. The returning officers aforesaid shall cause one week's notice of the respective nominations to be posted up in at least three conspicuous places in said township, and shall preside thereat, and in case of their absence the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the duties of the said returning officers shall be those prescribed by law.

Provisions of
Act respecting
municipal
institutions as
to separation
of townships
to apply.

5. The provisions of the Revised Statutes of Ontario respecting municipal institutions, relating to the formation of new municipalities, and having reference to the case of the separation of a junior from a senior township, shall apply to the townships hereby formed, as if such townships had been a union of townships, except where it is otherwise herein specifically provided; and for the purpose of applying such provisions, the said township of South Grimsby shall be deemed to have been the senior township, and the said township of North Grimsby shall be deemed to have been the junior township; and the corporation of the township of South Grimsby shall be deemed

deemed to be a continuation of the present township of Grimsby.

6. The clerk of the present township of Grimsby shall furnish to the returning officer of the township of North Grimsby, before the said election, a true copy of the assessment roll of the said present township of Grimsby for the year one thousand eight hundred and eighty-two, as far as the same contains the ratable property assessed, and the names of the owners, tenants and occupants thereof, within that part of the said township which is hereby constituted the township of North Grimsby.

Township clerk to furnish returning officer of North Grimsby with copy of assessment roll.

7. The expenses and outlay incurred in obtaining this Act, and of furnishing under this Act any documents, copies of papers, petitions, declarations and writings, and all other matters whatsoever incidental thereto, shall be borne and paid by the said township of North Grimsby.

Expenses of Act.

8. From and after the said last Monday of December, one thousand eight hundred and eighty-two, any rate, tax, liability or expenditure whatsoever, which, but for the passing of this Act, would have been assessable, ratable and taxable against the said original township of Grimsby, in respect or on account of the road known as the Queenston and Grimsby road, shall be assessed, rated and taxed against the said township of North Grimsby, and shall be borne and paid by the said township of North Grimsby solely, and the said township of South Grimsby shall not thereafter be liable or be rated, assessed or taxed therefor.

North Grimsby to be liable for all rates in respect of Queenston and Grimsby road.

CHAPTER 34.

An Act respecting the Debenture Debt of the City of Guelph.

[Assented to 10th March, 1882.]

WHEREAS the corporation of the city of Guelph has an outstanding debenture debt of more than two hundred and fifty thousand dollars, portions whereof fall due during the year one thousand eight hundred and eighty-three, and two following years; and whereas an aggregate rate of two cents in the dollar on the whole of the ratable property in said city will not in any of such years be sufficient to meet the current annual expenses of said city, and such portion of the said debenture debt as will become due in such year; and whereas the amount of such debt and expenses which said aggregate rate

Preamble.

rate will not be sufficient to meet as aforesaid will be (as nearly as may be) about ten thousand dollars; and whereas the said corporation has prayed that an Act be passed to empower the said corporation in each of the said years to borrow on new debentures such amount as may be reasonable to meet a portion of the said outstanding debentures maturing, and to become due as aforesaid in the said years; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
issue debentures.

1. Subject to section two of this Act, the corporation of the city of Guelph may, from time to time, during the years one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, and one thousand eight hundred and eighty-five, pass by-laws authorizing the issue of new debentures of the said city for an amount not exceeding in any one such year the sum of ten thousand dollars, for the purpose of retiring or renewing a portion of the debentures now outstanding against the said city, and falling due within the year in which such new debentures may be issued as aforesaid; and such new debentures to be issued as aforesaid, under said by-laws, may be in such sums, and to such amounts, either in Canadian or sterling currency, as said corporation may deem best: Provided always that such by-laws shall be in conformity and shall comply with the provisions of "The Municipal Act," and of the general municipal law, from time to time, in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said city to the passing of any such by-law as aforesaid, nor of the Lieutenant-Governor in Council, either under "The Municipal Act" or any other general Act now or hereafter to be in force in this Province; and provided further that, subject as aforesaid, the said new debentures so to be issued as aforesaid under said by-laws, and all moneys arising therefrom shall to the full extent thereof be applied only to retire and redeem the said outstanding debentures so maturing, and becoming due as aforesaid in the said years.

Proviso.

Proviso.

Proviso as to
outstanding
school
debentures.

2. Notwithstanding anything in this Act contained, all of the said now outstanding debentures, which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in the said city of Guelph, are not now liable or compellable to be rated or assessed shall be provided for, retired and paid in all respects as if this Act had not been passed.

CHAPTER 35.

An Act to establish and confirm certain astronomical bearings as the true courses of side lines in the Township of Harvey.

[Assented to 10th March, 1882.]

WHEREAS by the petition of the municipal council of the Preamble.
corporation of the township of Harvey, in the county of Peterborough, it appears that many years ago a verification survey of the said township of Harvey was made, under instructions from the Honourable Commissioner of Crown Lands, in compliance with a petition from the county council of the county of Peterborough, by T. B. Clementi, Provincial land surveyor, and a map of said township was made by said T. B. Clementi and deposited in the Department of Crown Lands; and whereas the northern boundary is the governing line of the said township, and the supposed astronomical bearings of the said northern boundary are shewn upon the said map; and whereas certain roads have been laid out and opened in said township in accordance with the said map, and public moneys and statute labour have been expended on said roads, and the side lines in the several concessions in the said township have been run on the same astronomical bearings as are laid down on said northern boundary, as shewn upon the said map; and whereas doubts have arisen as to whether the astronomical bearings of the said northern boundary, as shewn upon said map, are correct; and whereas the said municipal council have, by their petition, prayed that the astronomical bearings as laid down on the said northern boundary, and shewn upon the said map, may be established and confirmed, as the true courses of side lines in said township, and that it may be declared that the side lines in the several concessions in the said township shall be run on the same astronomical bearings as are laid down on the said northern boundary, and shewn upon the said map, irrespective of the work on the ground or of anything contained in sections fifty-three or sixty-four of chapter one hundred and forty-six of the Revised Statutes of Ontario, save and except the side lines in the nineteenth concession of said township; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the other provisions of this Act, the astronomical bearings of the northern boundary of the said township of Harvey, as laid down and shewn upon said map made by said T. Astronomical bearings of northern boundary, as laid down on

Clementi's
map, con-
firmed.

T. B. Clementi, Provincial land surveyor, and filed in the Department of Crown Lands at Toronto, shall be and are hereby confirmed and established, and are hereby declared to be to all intents and purposes the only true and unalterable governing astronomical bearings for the boundary lines of all lots in the several concessions in the said township of Harvey, any law, usage or custom to the contrary notwithstanding.

Mode of run-
ning side lines
except in 19th
concession.

2. The side lines in the several concessions in the said township of Harvey, save and except the side lines in the nineteenth concession, shall be run upon the following astronomical bearings, that is to say:—In the first and second concessions on the bearing of north seventy-three degrees four minutes east; in the third concession on the bearing of north seventy degrees fifty-seven minutes east; in the fourth, fifth, sixth and seventh concessions on the bearing of north seventy-two degrees twenty-three minutes east; in the eighth and ninth concessions on the bearing of north seventy degrees thirty-three minutes east; in the tenth, eleventh, twelfth and thirteenth concessions on the bearing of north seventy-one degrees twenty-minutes east; in the fourteenth, fifteenth and sixteenth concessions on the bearing of north seventy-five degrees four minutes east; and in the seventeenth and eighteenth concessions on the bearing of north seventy-two degrees fifty-three minutes east, irrespective of the work on the ground, or of anything contained in sections fifty-three or sixty-four of chapter one hundred and forty-six of the Revised Statutes of Ontario, or of any other law, usage, or custom to the contrary notwithstanding.

Mode of run-
ning side lines
in 19th con-
cession.

3. The nineteenth concession of the said township of Harvey shall be single fronted, and the side lines in the said concession shall be run straight through the concession from the posts on the western boundary thereof, parallel to the northern boundary thereof, in accordance with section fifty-three of chapter one hundred and forty-six of the Revised Statutes of Ontario.

Certain roads
confirmed.

4. All side roads heretofore laid out and opened in the said township of Harvey in accordance with the said supposed astronomical bearings are hereby confirmed and established.

Side lines con-
firmed.

5. All side lines in the several concessions in the said township of Harvey heretofore run upon the said supposed astronomical bearings, as shewn upon the said map, are hereby declared to be to all intents and purposes the only true and unalterable side lines of the said township of Harvey, any law, usage or custom to the contrary notwithstanding.

CHAPTER 36.

An Act to enable the Agricultural Societies of the Electoral Divisions of East and West Kent to sell certain lands.

[Assented to 10th March, 1882.]

WHEREAS the lands hereinafter mentioned and described Preamble.
were, on the twentieth day of July, in the year of our Lord one thousand eight hundred and fifty-two, and on the twenty-fifth day of June, one thousand eight hundred and sixty-four, severally patented by the Crown to the president and directors of the County of Kent Agricultural Society and the Agricultural Society of the County of Kent respectively, in trust, for the purposes of an agricultural show ground; and whereas, subsequent to the said dates, the electoral district of Kent was divided and now forms electoral districts called East Kent and West Kent respectively, and agricultural societies for the east and west districts in said county of Kent were formed under the provision of the statute in that behalf; and whereas the lands hereinafter mentioned, held by the said County of Kent Agricultural Society, were under the provisions of the said statute allotted to and became the property of the Agricultural Societies of the Electoral Divisions of East and West Kent; and whereas the said Agricultural Societies of the Electoral Divisions of East and West Kent have presented their petition, setting forth the above facts, and that the said lands are too small, and are unsuitable for the purpose of an agricultural show ground, and praying that the title to the said lands may be vested in them, their successors and assigns, absolutely, and that they may be empowered to dispose of the said lands for the reasons aforesaid, and acquire other lands more suitable for the said purposes; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The title to the said lands mentioned in the said patents Certain lands vested in the Agricultural Societies of East and West Kent.
(being all and singular that certain parcel or tract of land situate, lying and being in the town of Chatham, in the county of Kent, and Province of Ontario, composed of, firstly, a block of land on north side of Murray street, in said town of Chatham, containing five acres, be the same more or less, and which may be better known and described as follows, that is to say: commencing on the north limit of Murray street where a stone monument has been planted at the distance of
8 three

three chains ninety-six links, on an easterly course, from the intersection of the said northern limit of the said street by the easterly limit of Prince street; then north, twenty-seven degrees west, ten chains seven links, more or less, to where a stone monument has been planted; then north, seventy degrees east, five chains, more or less, to where a stone monument has been planted; then south, twenty-seven degrees east, ten chains seven links, more or less, to Murray street aforesaid; then south, seventy degrees west, five chains, more or less, to the place of beginning; secondly, and also all that parcel of land in the aforesaid town of Chatham, containing one and one-half acres, be the same more or less, which is abutted and bounded as follows: commencing on the south-east side of Gaol street, at the north-east angle of the parcel of land heretofore granted by the Crown in trust for the use of the congregation of the Wesleyan Methodist Church, in the said town of Chatham; thence south, twenty-seven degrees east, one chain fifty links, more or less, to where a stone monument has been planted at the north-westerly angle of the block of land heretofore granted by the Crown to the said agricultural society; thence north, seventy degrees east, five chains, more or less, to where a stone monument has been planted at the north-east angle of the said block of land so granted; thence north, twenty-seven degrees west, five chains, more or less, to the south-east side of Gaol street aforesaid; and thence south, thirty-two degrees west along the same, five chains fifty links, more or less, to the place of beginning,) is hereby confirmed, and the said lands are hereby vested in the said the Agricultural Societies of the Electoral Divisions of East and West Kent, their successors and assigns, for all the estate and interest which passed to the said the president and directors of the County of Kent Agricultural Society under and by virtue of the said patents from the Crown.

Power to sell
above and
acquire other
lands.

2. The said the Agricultural Societies of the Electoral Divisions of East and West Kent may sell, convey, and dispose of the said lands, freed and exonerated from any trust or purpose whatsoever for which the same may now be held, in fee simple, and may acquire other lands suitable for the purposes of said societies respectively.

Application of
proceeds of
sale.

3. The proceeds of any and every disposition by the said societies of the said lands under this Act shall be held and applied by them in the purchase of or payment for other lands suitable for the purposes of agricultural show grounds for the said societies respectively.

Mode of
execution of
conveyances.

4. Every disposition or conveyance of said described lands under this Act shall be under the seals of the said societies, and signed by the presidents and two directors, and countersigned by the secretaries for the time being.

5.

5. The purchaser or purchasers of the said described lands, or any part thereof, from the said societies, shall not be bound to see to the application of the purchase money.

Purchaser not bound to see to application of money.

CHAPTER 37.

An Act to legalize, confirm, and declare valid certain By-Laws of the Corporation of the City of Kingston.

[Assented to 10th March, 1882.]

WHEREAS the corporation of the city of Kingston have, by their petition, represented that they have for good causes and considerations, and with the intention of petitioning this House to legalize, confirm, and declare valid the same, passed certain by-laws, namely, a by-law intituled "A By-law to partially exempt the property, real and personal, of the Kingston and Pembroke Railway Company, in the city of Kingston, from municipal and school taxes," passed on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and eighty-one, and set out in schedule A to this Act; also a by-law intituled "A By-law to close up and lease a part of Earl street, in the city of Kingston," passed on the fourteenth day of November, in the year of our Lord aforesaid, and set out in schedule B to this Act, and have prayed that an Act may be passed legalizing, confirming, and declaring valid the said by-laws; and whereas it appears that the owners and occupants of the properties immediately adjoining the part of said Earl street sought to be closed up, have consented to the same being closed up and appropriated for the purposes declared by the last mentioned by-law; and whereas it also appears that the closing up of the part of said Earl street sought to be closed up, can be done without prejudice or inconvenience to the inhabitants of the said city, or to the public interests; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law of the corporation of the city of Kingston first above in the preamble to this Act mentioned, intituled "A By-law to partially exempt the property, real and personal, of the Kingston and Pembroke Railway Company, in the city of Kingston, from municipal and school taxes," passed on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and eighty-one, and set out in schedule A to this Act, is hereby

By-law set out in schedule A confirmed.

Proviso.

hereby legalized, confirmed, and declared to be valid, notwithstanding anything contained in any Act to the contrary thereof: Provided always, and it is hereby declared to be the true intent and meaning of section two of the said by-law in this section mentioned, that if the property in said section two of the said by-law mentioned, was not assessed at the time the Kingston and Pembroke Railway Company acquired it, by reason of its being by law exempted from assessment or other cause, the sum upon which taxes shall be paid in respect of such property by the said company during the continuance of the exemption granted by said by-law firstly above mentioned, shall be the actual value of such property at the time of its acquirement by the said company.

By-law in
schedule B
confirmed.

2. The by-law of the said corporation of the city of Kingston secondly above in the preamble to this Act mentioned, intituled "A By-law to close up and lease a part of Earl street, in the city of Kingston," passed on the fourteenth day of November, in the year of our Lord aforesaid, and set out in schedule B to this Act, is hereby legalized, confirmed, and declared to be valid, and all necessary powers and authority are hereby granted to, and vested and confirmed in the said the corporation of the city of Kingston, to enable the said corporation to carry out and fully to give effect to the provisions of the by-law in this section mentioned; and that part of Earl street, in the said city of Kingston, lying east of Ontario street and west of the Grand Trunk branch railway track, is hereby declared to be and is hereby closed up to the public, to so continue, freed, exonerated and discharged from all and every the public uses, trusts and purposes with which the same is now charged, or to which it is now subject as part of a public street, and the said part of said street is hereby vested in and declared to be the property of the said the corporation of the city of Kingston, for the purposes of the said by-law last mentioned, freed, exonerated and discharged as aforesaid, and the said the corporation of the city of Kingston is hereby licensed to take and hold the same, and may grant a lease of the same to the Canadian Locomotive and Engine Company (Limited), their successors and assigns, as provided for in the said by-law last mentioned, and renew such lease from time to time, and upon the same or different terms and conditions, if they so determine to renew the same; and the said the corporation of the city of Kingston, and the said the Canadian Locomotive and Engine Company, shall not, nor shall either of them, nor shall any person, corporation or company, or his or their or any of their successors, servants, officers, lessees, or assigns, or either of them, be liable in connection with, or liable to, any prosecution, action, proceeding, suit or damages, for or by reason of any act or thing done in closing up, and keeping closed up as aforesaid, the said part of Earl street aforesaid, authorized to be closed up by this Act; but nothing in this Act contained shall protect them or any of them

them from the consequences of any unlawful act done in the premises not authorized by this Act.

3. The provisions of the said respective by-laws shall have the same force as if the same were incorporated in this Act, and formed a part of this Act, but subject to this Act.

By-laws to have same force as if incorporated in this Act.

SCHEDULE A.

A BY-LAW TO PARTIALLY EXEMPT THE PROPERTY, REAL AND PERSONAL, OF THE KINGSTON AND PEMBROKE RAILWAY COMPANY, IN THE CITY OF KINGSTON, FROM MUNICIPAL AND SCHOOL TAXES.

[Passed Monday, October 24th, 1881.]

Whereas it is expedient to partially exempt from municipal and school taxes, the real and personal property of the Kingston and Pembroke Railway Company;

Be it therefore enacted by the council of the corporation of the city of Kingston as follows, that is to say:—

1st. That the real and personal property required and used for its railway purposes, in the city of Kingston, by the Kingston and Pembroke Railway Company, held or owned by the said company on the twentieth day of December, in the year of our Lord one thousand eight hundred and eighty, and also all rolling stock, plant, and other personal property after the said last mentioned date, by the said company, and required and in use by the said company, for and upon its said railway shall, for the amount over and above the assessed value of twenty-five thousand three hundred and twenty-five dollars, be exempt from the payment of municipal and school taxes, for a period of twenty years, from and after this by-law takes effect, subject to the provisions hereinafter contained.

2nd. That any real property in the city acquired by the said company for, and used by it, for its railway purposes, after the said twentieth day of December, in the year one thousand eight hundred and eighty, shall, from the time this by-law takes effect, or if the said property is acquired after this by-law takes effect, from the time of such acquisition until the end of the said period of twenty years, as to the amount it may be assessed over and above the sum at which it was assessed at the time of its purchase or acquisition by the said company, be exempt from the payment of municipal and school taxes, subject as aforesaid.

3rd. Provided that the said exemption shall cease as to real and personal property sold or ceased to be held by the said company, or leased by the said company to any person or corporation, or not required or used for its railway purposes by the said company, and so much of the assessed value of any such

such property to which section one of this by-law applies, as may be included in the sum mentioned in the said section shall, when such property ceases to be entitled to the exemption provided in and by this by-law, and is assessed in the ordinary way as if this by-law had not been passed, be deducted from the said sum in said section one mentioned, so that no part of such property may be twice assessed, the sum to be so deducted being the amount at which such portion of property was assessed for the year one thousand eight hundred and eighty-one.

4th. That this by-law is passed subject to the following conditions, on the failure of any one of which it will not take effect or shall cease to take or have effect.

(a) That this by-law be sanctioned and confirmed by an Act of the Legislature of Ontario, to be obtained by and at the expense of the said company.

(b) That the Kingston and Pembroke Railway shall be constructed and completed from its present actual northern terminus, or point to which it is now constructed, to a junction with the Canada Central Railway, now called the Canadian Pacific Railway, in the county of Renfrew, with rails laid, and trains running thereon, on or before the first day of January, one thousand eight hundred and eighty-five.

(c) That the principal workshops of the said company shall be built and maintained within the limits of the said city of Kingston continuously during the said period of twenty years.

5th. That this by-law is passed without prejudice to the rights of the said corporation of the city of Kingston, in connection with the bonus granted by it to the said company.

6th. That this by-law shall not apply to exempt from taxes the dwellings of the employees of the said company, or any real or personal property which is not *bona fide* required, held and used by the said company, in and for the operation of the said Kingston and Pembroke Railway, and this by-law shall cease to have force or effect if the said railway ceases to be operated, or to be a going and active concern, with trains running.

7th. That this by-law shall come in force and take effect as soon as the foregoing conditions, (a) and (b), have been fulfilled, and shall continue in force until the end of the said period of twenty years, condition (c) continuing to be fulfilled during the said period and subject as aforesaid.

(Signed)

M. FLANIGAN,
City Clerk.

(Signed)

E. J. B. PENSE, [L.S.]
Mayor.

SCHEDULE B.

A BY-LAW TO CLOSE AND LEASE A PART OF EARL STREET, IN THE CITY OF KINGSTON.

[*Passed Monday, November 14th, 1881.*]

Whereas the Canadian Locomotive and Engine Company (Limited) has petitioned this council to grant to the said company a lease of that part of Earl street, in this city, lying between Ontario street and the Grand Trunk branch railway track, east of Ontario street, for a term of years, at a nominal rent, the owners of the property fronting on the north side of said part consenting, and the said company owning the property fronting on the south side of said part; and whereas taking into consideration the advantages conferred upon the city by the said company, it is desirable to grant the prayer of said petition, and with that view, to close up the said part of Earl street, and declare the said part to be vested in the corporation of the city of Kingston, and to ask the Legislature of Ontario by an Act, to confirm this by-law, and declare the same valid at its next session;

Be it therefore enacted by the council of the corporation of the city of Kingston, subject to the action of the Legislature of Ontario, as aforesaid:—

1. That part of Earl street, in the city of Kingston, lying east of Ontario street and west of the Grand Trunk branch railway track, is hereby closed up and divested, freed and exonerated from the public uses and purposes with which the same is now charged or subject, as part of a public street, and the said part is hereby vested in the corporation of the city of Kingston, as its property for the purposes of this by-law.

2. That a lease of the said part of Earl street shall, as soon as this by-law has been confirmed as aforesaid, be granted to the said Canadian Locomotive and Engine Company (Limited), and their successors, for the term of ninety-nine years, from the first day of May, in the year of our Lord one thousand eight hundred and eighty-two, at a yearly rent of five dollars per annum, free of taxes, during the continuance of said term, the said lease to contain the following, in addition to the usual covenants and conditions, and to be subject thereto, that is to say:—

(a) The city corporation shall have the right to retake possession, at any time during the said term, of the said lands on giving to the company twelve months' previous notice, and if the city corporation so takes possession within the first twenty-five years of the said term, the said city corporation shall pay to the said company for any building then being thereon, at a valuation to be then made by three arbitrators, one to be chosen by each of the said parties, and the third to be

be chosen by the two so chosen, the award of any two to be final and binding.

(b) That if the city corporation do not so take possession until after the said period of twenty-five years have expired, then that such building shall be removed by and at the expense of the said company.

(c) That the building thereon to be erected shall be in accordance with the city by-laws.

(d) That such building shall be completed within one year from the first day of May, in the year of our Lord one thousand eight hundred and eighty-two, provided this by-law has been confirmed as aforesaid.

(e) That all sewers and drains passing through the said enclosed part of the said street shall be secured a proper and sufficient outlet, as at present, and no such sewer or drain shall be interfered with, or in any way obstructed by the said company, their successors or assigns, but shall be kept by said company in sufficient and proper repair as an outlet for any drain terminating at the foot of said street.

(f) That should the said property cease to be used for the purposes of, or in connection with a locomotive and engine works or other manufactory, then the said demised lands shall revert to and immediately become vested in the city corporation, and the said company shall vacate and deliver up possession thereof to the city corporation and remove the buildings therefrom, and the said lease shall be determined and at an end, and also that at the end of the said term or other sooner determination thereof, the said company shall remove the buildings from the said lands, except the same are taken by the city corporation at a valuation as hereinbefore is provided.

3. That this by-law shall not come into force or take effect until the same has been confirmed and declared valid by an Act of the Legislature of Ontario, and shall then come in force.

CHAPTER 38.

An Act to separate the Township of East Luther from the County of Wellington, and to annex the same to the County of Dufferin.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the council and the majority of the ratepayers of the township of East Luther have, by their petition, represented that it will greatly promote the prosperity of the said township to have the same separated from the county of Wellington and annexed to the county of Dufferin; and whereas it is expedient to grant the prayer of said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Upon, from and after the first day of January, one thousand eight hundred and eighty-three, the said township of East Luther shall be separated from the county of Wellington and annexed to and made part of the county of Dufferin, for all judicial, municipal and school purposes, and for the registration of titles, and, so far as the Legislature of Ontario has authority so to enact, for all other purposes whatsoever; except that for the purpose of the election of a member to serve in the Legislative Assembly of this Province, the said township of East Luther shall continue to be and form part of the Centre Riding of the county of Wellington.

Township of East Luther annexed to County of Dufferin.

2. The said township shall not be liable for any portion of the debt of the county of Dufferin contracted or incurred previous to the said first day of January, one thousand eight hundred and eighty-three: Provided always that all costs and expenses hereafter lawfully paid or incurred by the said county of Dufferin in respect or on account of any transfer of registries or registrations of titles to lands within said township of East Luther, under the provisions of "The Registry Act," shall be paid and satisfied by the said township.

Township not liable for county debt incurred previously.

3. In case the council of said township and of the county of Wellington respectively, do not within three months after the first meeting of the council of said county, held after the date in the first section mentioned, agree upon a settlement and disposition of their joint liabilities and assets, the same shall be settled and determined by arbitration, as provided by the Municipal Act in cases of separation of one municipality from another, and the amount so agreed upon, or determined as aforesaid, shall be provided for like other debts, and paid by the county or township, as the case may be, found liable therefor to the other.

Provision for settlement of differences as to assets and liabilities.

4. Except as otherwise provided for by this Act, the provisions of any law in force in this Province in any wise affecting or relating to the proceedings consequent upon the dissolution of union of counties shall be held to apply, so far as applicable, to the separation of said township from the county of Wellington, and for the purpose of applying such provisions, the said township shall be regarded as the junior county and the county of Wellington shall be regarded as the senior county.

Law as to separation of counties to apply, except as hereby varied.

5. No chattel mortgage which (or a copy of which) has on or before the date in the first section mentioned, been duly registered in the office of the clerk of the county court of the county of Wellington, shall require to be or be held to have been required to have been again registered in the office of the

Provision as to registration of chattel mortgages.

the clerk of the county court of the county of Dufferin by reason of the separation of said township from said county of Wellington; but in the event of the permanent removal of goods and chattels mortgaged out of said township into another portion of the county of Dufferin, after said last mentioned date, before the payment or discharge of the mortgage, a certified copy of such mortgage under the hand of the clerk of the county court of the county of Wellington and under the seal of said court, and of the affidavits, documents and instruments relating thereto, filed in such office, shall, within two months from such date, or from the time of such permanent removal, whichever shall last occur, be filed with the clerk of the county court of the county of Dufferin, otherwise the said goods and chattels shall be liable to be seized and sold under execution, and in such case the mortgage shall be null and void as against subsequent purchasers and mortgagees in good faith for valuable consideration.

Statement for purpose of renewal of mortgage to be filed with clerk of county court of Dufferin.

6. Where any goods and chattels in said township subject to a chattel mortgage which (or a copy of which) has been duly registered in the office of the clerk of the county court of the county of Wellington, are after the date in the first section mentioned within said county of Dufferin at the time such mortgage requires renewal, in the manner and for the purpose provided by the Revised Statute, chaptered one hundred and nineteen, respecting mortgages and sales of personal property, as amended by the Acts passed in the forty-third and forty-fourth years of Her Majesty's reign, chaptered fifteen and twelve respectively, the statement, affidavit, and other documents required by said Act as so amended, and also a certified copy of such mortgage, under the hand of the clerk of the county court of the county of Wellington, shall be filed with the clerk of the county court of the county of Dufferin, and in case the same are not filed with such clerk within thirty days next preceding the expiration of the term of one year from the filing thereof, or the filing of the last statement and affidavit under said amending Acts, such mortgage shall cease to be valid as against the creditors of the persons making the same, and against subsequent purchasers and mortgagees in good faith for valuable consideration; and it shall not be necessary in order to keep such chattel mortgage in force as aforesaid, in respect of any goods or chattels in said township, after such first mentioned date, that any statement, affidavit or document should be filed in the office of the clerk of the county court of the county of Wellington.

Delivery of books to treasurer of Dufferin.

7. The treasurer of the said county of Wellington shall, upon being requested so to do, deliver to the treasurer of said county of Dufferin, the books relating to said township of East Luther, required to be kept by such treasurer, under the provisions of section one hundred and twenty of the Assessment Act.

8.

8. Until altered under the provisions of "The Division Courts Act," the said township shall, from and after the date in the first section hereof mentioned, form the judicial and territorial limits of the fifth division court of the county of Dufferin; but all suits and proceedings at the said date pending, or being in the ninth or other division court of the county of Wellington to which said township shall prior to said date have belonged, shall be continued to completion in said last mentioned division court, or in such other division court as the judge of the county of Wellington shall direct.

Township to form fifth division court of Dufferin.

9. Nothing in this Act shall prevent the sheriff of the county of Wellington from proceeding upon and completing the execution or service within the county of Dufferin, of any writ of mesne or final process in his hands on the date in the first section hereof mentioned, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause, or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same; and the acts of such sheriff in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if this Act had not been passed, but no further: Provided that this shall not be held to authorize the said sheriff to execute within the county of Dufferin any writ which does not depend for its priority upon a former writ executed by him, and which was not in his hands on the aforesaid date.

Completion of execution, etc., by sheriff of Wellington.
Proviso.

10. No unsatisfied writ against lands or goods in the hands of the sheriff of the county of Wellington on the aforesaid date, shall bind lands or goods situate within the limits of the said township, or have any effect upon any such lands or goods after one year from the aforesaid date, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year, shall have placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the county of Dufferin, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of such first mentioned sheriff, if it at the said date did bind lands or goods within the said township, shall continue to bind such lands or goods, and shall retain its priority so long as such indorsed writ remains in force: Provided that such person shall not in the meantime have permitted his writ in the hands of the said sheriff of the county of Wellington to expire, or shall not have otherwise lost his priority.

How writs against lands and goods may be continued in force.
Proviso.

11. The expenses of, and connected with, the obtaining this Act shall be a debt of, and be borne by, said township of East Luther.

Expenses of Act.

12. From and after the date mentioned in the first section of this Act, all justices of the peace heretofore appointed in

Justices of the peace in East Luther to be and

justices of the peace for the county of Dufferin.

and for the county of Wellington, and on such date resident and domiciled in said township of East Luther, shall be justices of the peace in and for the county of Dufferin, and shall thereafter cease to be justices of the peace in or for the county of Wellington.

CHAPTER 39.

An Act to consolidate the Debenture Debt of the Town of Owen Sound.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the corporation of the town of Owen Sound, by their petition, have represented that they have incurred a debenture debt to the amount of one hundred and seventeen thousand one hundred dollars, secured by the debentures of the corporation, and have prayed that the said debenture debt may be consolidated, and that they may be authorized to issue debentures for that purpose ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Debts consolidated at the sum of \$117,100.

1. The said debenture debt of the corporation of the town of Owen Sound is hereby consolidated at the sum of one hundred and seventeen thousand one hundred dollars, and it shall and may be lawful to and for the said corporation of the town of Owen Sound to raise by way of loan, upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding one hundred and seventeen thousand one hundred dollars of the lawful money of Canada.

Power to borrow.

Authority to pass by-law for new debentures.

2. It shall and may be lawful for the said corporation of the town of Owen Sound to pass a by-law or by-laws, authorizing the said loan of one hundred and seventeen thousand one hundred dollars, and the issuing of the debentures therefor, in accordance with this Act, and to impose in and by said by-law or by-laws, a special rate per annum, on the whole ratable property of the said municipality, to be called "The Consolidated Debenture Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually, for interest, and to provide a fund for the due

due payment of the principal when the same shall fall due, of the said debentures last mentioned.

3. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by "The Municipal Act."

Assent of electors to by-laws not required.

4. It shall and may be lawful for the municipal council of the said corporation of the town of Owen Sound, after the passing of such by-law or by-laws authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the mayor and countersigned by the treasurer and clerk of the said town, for the time being, for such sums not exceeding in the whole the said sum of one hundred and seventeen thousand one hundred dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half-yearly.

Debentures may be issued to the amount of \$117,100.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same, with the interest accruing thereon, may be made payable either in this Province, in Great Britain, or elsewhere, as the said council may, by the by-law or by-laws direct or shall deem expedient, and a portion of the said debentures issued under any such by-law shall be made payable in each year, for thirty years, from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Debentures, when and how payable.

6. The funds derived from the negotiation and sale of the said debentures, shall be applied in and to the payment of the said debt of one hundred and seventeen thousand one hundred dollars, and not otherwise, and shall for that purpose be deposited until required in the agency of a chartered bank of Canada, at the town of Owen Sound, or elsewhere in this Province, or invested in Government securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council, and such bank or Government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt and other liabilities, or any part thereof and not otherwise.

Application of proceeds.

7. The treasurer of the said town shall, on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the

Outstanding debentures may be called in.

the said outstanding debentures and liabilities, specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said debentures, or any of them above authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures.

By-law not to be repealed until debt satisfied.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, authorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

Investment of sinking fund.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being, to invest from time to time, all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same, or derived from the investment of the said moneys as hereinafter mentioned, less the interest, payable in respect of the said debentures, to be issued in pursuance of this Act, for the then current year, in either the bank or Government securities mentioned in the sixth section of this Act, as the said council shall direct, and upon such terms as the said council and bank or Government shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said last mentioned debentures, or the said outstanding debentures and other liabilities or any part thereof, and to apply the residue of such moneys from time to time to the payment of the interest on the said debentures, and not otherwise, nor for any other purpose whatever.

Inconsistent provisions in Municipal Acts not to apply.

Irregularity not to render by-law or debentures invalid.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid, or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, on any or either of them, or any part thereof.

Liability of corporation not discharged.

11. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Owen Sound from any indebtedness or liability which may not be included in the said debt of one hundred and seventeen thousand one hundred dollars.

12. Notwithstanding anything in this Act contained, all of the said now outstanding debentures, which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in the said town of Owen Sound are not now liable or compellable to be rated or assessed shall be provided for, retired and paid in all respects as if this Act had not been passed.

Proviso as to
outstanding
school
debentures.

CHAPTER 40.

An Act to incorporate the Town of Penetanguishene.

[Assented to 10th March, 1882.]

WHEREAS the population of the village of Penetanguishene, in the county of Simcoe, is rapidly increasing, and as the terminus of the North Simcoe Railway, it is becoming a large manufacturing place, and is about to become a shipping port of considerable importance; and whereas the council of the said village have, by their petition, represented that the incorporation of the said village as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property, and to carry out improvements they are desirous of making, and have prayed that a portion of the townships of Tiny and Tay should be included in the said town; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the said village of Penetanguishene shall be and is hereby constituted a corporation or body politic, under the name of the corporation of the town of Penetanguishene, and shall enjoy and have all the rights, powers and privileges which could have been exercised and enjoyed by the said town of Penetanguishene, if the same had been incorporated as a town, under the provisions of the Municipal Act, except where otherwise provided by this Act.

Town incor-
porated.

2. The said town of Penetanguishene shall comprise and consist of the present village of Penetanguishene, and of lot one hundred and fourteen, and broken lots one hundred and sixteen and one hundred and seventeen in the first concession of the township of Tiny; lot one hundred and fourteen and all the residue of lots one hundred and fifteen, one hundred and sixteen,

Limits of
town.

sixteen, and one hundred and seventeen in the first concession of Tay, not covered by the present village of Penetanguishene; the cottage lots in the first concession of the township of Tay, as laid out in the plan of pensioners' three-acre lots, adjoining Penetanguishene, by John Lindsay, esquire, provincial land surveyor, of record in the Department of the Interior of Canada, and the reformatory or prison farm, as shewn on the Ordnance maps of the said John Lindsay, esquire, provincial land surveyor.

Wards.

3. The said town shall be divided into three wards, to be called respectively the "South," "Centre," and "North" Wards, which said several wards shall be respectively composed and bounded as follows: The South Ward shall be composed of that portion of the present incorporated village of Penetanguishene lying to the west of the Penetanguishene Road, together with lots numbers one hundred and fourteen and broken lots one hundred and sixteen and one hundred and seventeen in the first concession of the township of Tiny; the Centre Ward shall be composed of all that portion of the present incorporated village of Penetanguishene lying to the east of the Penetanguishene Road, together with lot one hundred and fourteen and all the residue of lots one hundred and fifteen, one hundred and sixteen, and one hundred and seventeen, in the first concession of the township of Tay, not heretofore covered by said village plot; the North Ward shall be composed of all the pensioners' cottage lots in the township of Tay, as shewn on the plan thereof, made by John Lindsay, esquire, provincial land surveyor, of record in the said Department of the Interior, and dated Toronto, February eighteenth, one thousand eight hundred and fifty-nine, together with the lands known and described on the said Ordnance maps as the reformatory or prison farm.

Revised Statutes respecting municipal institutions to apply.

4. Except as otherwise provided by this Act, the provisions of the Revised Statutes respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and the other provisions of the said statutes applicable to the erection of a village into a town under the said statutes, and to the town so erected, shall apply to the said town of Penetanguishene in the same manner as they would have been applicable had the said village of Penetanguishene been erected into a town under the provisions of the said statutes.

Nomination for first election.

5. On the third Monday after the passing of this Act, it shall be lawful for Harry Jennings, or the village clerk for the time being, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve, and councillors at the town-hall in the said town of Penetanguishene, at the hour of noon, and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among

among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week, in the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

6. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the town is divided; and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Deputy returning officers.
Oaths.
Powers of returning officer.

7. The respective clerks of the said townships of Tiny and Tay shall, upon demand made upon them respectively by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the respective revised assessment rolls for each of their said townships respectively for the year of our Lord one thousand eight hundred and eighty-one, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Copies of revised assessment rolls of Tiny and Tay for 1881 to be furnished.

8. The council of the said town, to be elected in manner aforesaid, shall consist of a mayor, who shall be the head thereof, a reeve and six councillors, two councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling; or if there be no polling on the same day of the week next following the week of the nomination, and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario; and the said council, and their successors in office, shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council.
Elections.
Powers and liabilities.

9. The several persons who shall be elected or appointed under this Act, shall take declarations of office and qualification

Oath of office and of qualification.

now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Qualification. 10. At the first election of mayor, reeve and councillors for the said town of Penetanguishene, the qualification of electors and that of officers required to qualify, shall be the same as that required in villages by the municipal laws of Ontario.

Expenses of Act. 11. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town, and paid by it to any party that may be entitled thereto.

By-laws of village continued. 12. All by-laws and municipal regulations which are in force in the village of Penetanguishene shall continue and be in force as if they had been passed by the corporation of the town of Penetanguishene, and shall extend to and have full effect within the limits of the town hereby incorporated.

Property and liabilities of town. 13. The property, assets, debts, liabilities and obligations of the village of Penetanguishene shall belong to and be assumed and paid by the corporation of the town of Penetanguishene.

Village officers to act until new council organized. 14. All officers of the said village of Penetanguishene shall continue to act and have power as such, and as officers of and within the town of Penetanguishene, until the council of the said town shall have organized as and in the manner provided by section eight of this Act.

Revised rolls of 1881 to be basis of settlement. 15. The revised assessment roll of the townships of Tiny and Tay respectively for the year of our Lord one thousand eight hundred and eighty-one, shall be taken for the basis upon which the properties taken from said townships into the town of Penetanguishene are to be valued for the purpose of settling the share of indebtedness by the town to the said townships under the respective railway bonus by-laws of the said townships.

Provision as to part of school section seven in township of Tay. 16. Inasmuch as a small portion of school section number seven of the township of Tay is comprised in the municipal limits of the town of Penetanguishene, it is nevertheless hereby expressly provided that said school section and every part thereof shall remain part of the township of Tay, and subject to its municipal government for all school purposes, notwithstanding any provision of law to the contrary, until otherwise agreed upon between the respective municipalities.

CHAPTER 41.

An Act to enable the Corporation of the Town of Port Hope to incur liability for the construction and extension of Water-works, and for other purposes.

[Assented to 10th March, 1882.]

WHEREAS the corporation of the town of Port Hope have, Preamble.
by their petition, represented that, under the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of the reign of Her Majesty, and chaptered sixty-two, and intituled "An Act to consolidate the debt of the town of Port Hope," and under an Act amending the same, passed by the said Parliament in the following year, chaptered thirty-three, intituled "An Act to alter and amend the Act to consolidate the debt of Port Hope," and under an Act of the Legislature of the Province of Ontario, passed in the thirty-ninth year of the reign of Her Majesty, and chaptered fifty-nine, and intituled "An Act respecting the consolidated debt of the town of Port Hope," it is unlawful for them to incur any further debt or liability than is provided for in the said several Acts, and that the debt or liability provided for in the said Acts has been incurred; and further, that under an Act of the said Legislature of the Province of Ontario, passed in the thirty-seventh year of the reign of Her Majesty, and chaptered seventy-seven, and intituled "An Act to enable the corporation of the town of Port Hope to incur liability for the construction of water-works for the town," the said town has constructed water-works through portions of the said town, and entered into contracts for running and maintaining the same; but the cost of construction of the said water-works has been paid and no liability now exists in respect thereof, and that it is desirable and it would be beneficial and advantageous for the said town to extend and perfect the system of water-works so partially carried out, and to incur a further debt or liability for the extension of the said water-works; and to make improvements and alterations to the town hall building in the said town of Port Hope; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding any law in force to the contrary, it shall be lawful for the corporation of the town of Port Hope to incur such further debt or liability, as it may deem expedient and necessary, and as it may be lawful for the said corporation to incur under the provisions of the laws respecting municipal institutions in the Province of Ontario, but not exceeding in the Corporation authorized to incur a debt of not more than \$20,000 for water-works purposes and improvement of town hall.

the whole twenty thousand dollars, for the purpose of extending and enlarging the present water-works for the said town, and laying down water pipes in the streets of the said town, and of extending, enlarging and altering such water-works and water pipes, and for acquiring lands in any way necessary for such purposes, from time to time as the council of the said corporation and duly qualified ratepayers in that behalf may determine, but under and in pursuance of the provisions of the said Municipal Act; and also for the purpose of making certain improvements and alterations to the town hall building, in the said town, as hereinafter more particularly set out.

Debts incurred to be subject to provisions of the Municipal Act.

2. Any debt or liability incurred by the said corporation under this Act, as well for any original construction of the said water-works as for any extension, enlarging, and altering of the same, shall be incurred in the manner and subject to and in accordance with the provisions of the said Municipal Act so far as the same relate to water-works and water companies in towns.

Power to contract for construction, etc., of water-works.

3. Subject to the provisions of section one of this Act, it shall be lawful for the said corporation to enter into any contract or contracts with any person or persons or body corporate for the construction and extension of such water-works for the said town as the council of the said corporation shall deem advisable, and for any extension, enlarging or altering of such water-works as may be deemed advisable by the said council, and on such terms as the said council shall think fit, and to do, perform, and complete any and all such works themselves, and to acquire all lands in any way necessary for any of the said purposes.

Issue of debentures authorized.

4. The said corporation, for the purpose of defraying the cost of the construction, extension, enlargement, and alteration of the said water-works, and for the purchase of lands necessary for the same or any such purpose, and for the purpose of making the said improvements and alterations to the said town hall building, may issue debentures, under the seal of the said corporation, and signed by the mayor, and countersigned by the treasurer, for the time being, of the said corporation, in such sum or sums as the council of the said corporation may direct, but not exceeding in the whole the sum of twenty thousand dollars, and bearing interest at a rate not exceeding six per centum per annum, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable in this Province, or in Great Britain, or elsewhere, as the said council may determine, and the said debentures shall be payable at such time or different times within the periods limited by the provisions of the said Municipal Act, respecting water-works debentures, as the said council may determine; and the said corporation may hold the said debentures or any part or portion

tion of them in reserve, and from time to time apply them or any of them, or the proceeds thereof, for the respective purposes aforesaid, in such proportions as the said council may think fit: Provided not more than the sum of six thousand dollars be expended out of the said twenty thousand dollars on the said improvements and alterations to the said town hall building as hereinafter mentioned. Proviso.

5. Notwithstanding anything hereinbefore contained to the contrary, it shall and may be lawful for the said council of the town of Port Hope, if they shall see fit, and all powers and authorities therefor are hereby given to the said council, out of the said sum of twenty thousand dollars hereby authorized to be raised by debentures, to appropriate a sum not exceeding the sum of six thousand dollars for the purpose of altering, enlarging, repairing, adding to and extending the town hall building in the said town of Port Hope, for the purpose of providing further market facilities and accommodation, and a public or music hall, or opera house, together with municipal and police offices, vaults, and lock-ups. Expenditure of \$6,000 on town hall authorized.

6. The said corporation may, from time to time, raise, by way of loan on the credit of the said debentures in this Province, or in the Dominion of Canada, or in Great Britain, or elsewhere, such sum of money, not exceeding in the whole the sum of twenty thousand dollars, as shall, from time to time, be required for the construction, extension, enlargement, and alteration of the said water-works, or for the purchase of lands necessary for the same, or for making the said improvements and alterations to the said town hall building; and the loan so to be raised, and all sums of money raised under the provisions of this Act, shall be applied by the said council to the payment of the cost of constructing, extending, enlarging or altering the said water-works, and in purchasing lands necessary for the same, or in making the said improvements and alterations to the said town hall building, provided that not more than the sum of six thousand dollars be expended out of the said twenty thousand dollars on the said improvements and alterations to the said town hall building, and to or for no other purpose whatsoever. Power to borrow on credit of debentures.

7. No irregularity in the form either of the said debentures, or of any by-law authorizing the issuing thereof, shall render the same invalid, or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof. Debentures to be valid notwithstanding defects of form.

8. The said debentures and coupons may be made payable in sterling money or currency, as the said council may determine. Debentures to be payable in sterling or currency.

Special rate
for payment of
debentures
issued under
this Act.

9. For the payment of the said debentures to be issued under the provisions of this Act, and the interest thereon, the said council shall levy an annual special rate, over and above all other rates to be levied in each year, to defray the yearly interest on the said debentures, and to form an equal yearly sinking fund for the payment of the principal within the time or times at which the said debentures shall respectively become payable.

Investment of
moneys raised
by special rate.

10. The said council shall, and it shall be the duty of the treasurer of the said corporation to invest, from time to time, all moneys raised by special rate for the sinking fund hereinbefore provided for, either in redemption of any of the debentures hereby authorized to be issued or in any debentures issued by the Government of the Dominion of Canada, or of this Province, or in such other securities as the Lieutenant-Governor of this Province may, from time to time, by order in council direct, or to deposit the same in the agency of any chartered bank in the Province of Ontario, that the said council may, from time to time, approve by resolution, and at such rate of interest thereon as may be agreed upon by the said council and such bank.

CHAPTER 42.

An Act to declare and confirm the title of the Corporation of the Village of Southampton in and to certain lands.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the corporation of the village of Southampton, in the county of Bruce, has, by its petition, represented that the lands within the territorial limits of the said corporation, containing thirty-two and one-half acres, known as "The Little Lake Square," bounded by High, Clarendon, Grey, and Victoria streets, were by letters patent, dated the tenth day of June, in the year of our Lord one thousand eight hundred and seventy-three, under the Great Seal of this Province, by Her Majesty the Queen, granted to the said corporation in fee simple absolute; that other lands within the said territorial limits, containing three-quarters of an acre, known as lot eighteen and the south half of lot seventeen, on the east side of Grosvenor street, were granted to the said corporation in fee simple absolute; the said lot eighteen, by the deed dated the eighteenth day of October, in the year of our Lord one thousand eight hundred and eighty, of one Robert Porteous, and the said south half of the said lot seventeen, by the deed dated the tenth day

day of December, in the year of our Lord one thousand eight hundred and eighty, of one James Telfer Conaway; and that the purchase money of the said three-quarters of an acre, amounting to three hundred and thirty dollars, was by the said corporation paid out of its general funds; that a portion of the said Little Lake Square, containing one acre two roods and seven perches, and described as commencing at a point in the east limit of Victoria street, and in the line of the south limit of Landsdowne street, produced to its intersection with the said east limit of Victoria street; thence southerly, along the easterly limit of Victoria street, six chains and seventy-three links; thence easterly, parallel to Landsdowne street, two chains and ten links; thence north, thirty-four degrees and thirty minutes east, six chains and seventy-five links, to a point in line with the south side of Landsdowne street, produced; and thence westerly, along the said line, two chains and fifty links, to the place of beginning; was by the said corporation, by its deed, dated on the twenty-ninth day of December, in the year of our Lord one thousand eight hundred and eighty-one, granted to the public school board of the said village of Southampton for school purposes, and the said school board has erected on the said portion of the said Little Lake Square, at a cost of upwards of five thousand dollars, raised by the said corporation, a building used as a public school; that the said corporation by its deed, dated on the seventh day of September, in the year of our Lord one thousand eight hundred and eighty, granted for manufacturing purposes to one Isaac Erb Bowman, in fee simple absolute, another portion of the said Little Lake Square, containing about six and one-half acres, and lying between the southerly and westerly sides of the said Clarendon and Grey streets respectively, and what would be the easterly and northerly sides of Breadalbane and Landsdowne streets, produced in straight lines, the said Breadalbane street southerly and the said Landsdowne street westerly, to points distant sixty-six feet from what is called high-water mark (shewn by posts planted by William Hawkins, provincial land surveyor,) of the said Little Lake, and to the northerly of a line running at a uniform width of sixty-six feet from the said high-water mark from each of the said points to the other; and that the said Isaac Erb Bowman has, at a cost of upwards of ten thousand dollars, placed on the said last mentioned portion of the said Little Lake Square buildings and machinery for manufacturing purposes, and has established thereon a trade industry of great benefit to the said corporation; that the said corporation exposed for sale by public auction, and sold for purchase money amounting to one hundred and fifty-five dollars, which has been paid to it and placed amongst its general funds, and thereafter by its deed, dated on the seventeenth day of June, in the year of our Lord one thousand eight hundred and eighty-one, granted to the Reverend Andrew Tolmie, in fee simple absolute, another portion of the

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the said Little Lake Square, containing six-tenths of an acre, and described as commencing at a point on the western limit of Grey street, at the distance of five chains and ninety-eight links from where the northern limit of High street intersects the western limit of Grey street; thence northerly, along the western limit of Grey street, three chains and forty links, to where the southern limit of Landsdowne street intersects the western limit of Grey street; thence westerly, along the southern limit of Landsdowne street, produced in a straight line to the bank of the Little Lake, two chains and nine links; thence southerly, along the said bank, three chains and forty-three links, to a stake; and thence easterly, along the northern limit of Henry N. Zinkan's lands hereinafter mentioned, two chains and thirteen links, to the place of beginning; and the said Reverend Andrew Tolmie has entered into the possession and actual occupation of the said last mentioned portion of the said Little Lake Square and has improved it; that the said corporation by its by-law passed on the seventh day of September, in the year of our Lord one thousand eight hundred and eighty, agreed to grant to Henry N. Zinkan in fee simple absolute, in consideration of the erection by him thereon of buildings in connection with the said manufacturing establishment of the said Isaac Erb Bowman, another portion of the said Little Lake Square containing two acres, and described as bounded on the south by High street, on the east by Grey street, on the north by a straight line parallel with High street and at a sufficient distance to enclose two acres by another line running therefrom straight southerly to High street, and the said Henry N. Zinkan has gone into the actual occupation of the said last mentioned portion of the said Little Lake Square; that the said corporation on the twentieth day of October, in the year of our Lord one thousand eight hundred and eighty, agreed to grant in fee simple absolute to James Albert Peterson, in consideration of the establishment of a certain manufacturing industry thereon, the said lot eighteen and the south half of lot seventeen on Grosvenor street, and the said James Albert Peterson has gone into the possession and actual occupation of the said last mentioned lands, and valuable buildings and appliances for manufacturing purposes have been placed thereon; and whereas, although the title of the said corporation to the said lands is in form in fee simple absolute, and was so intended, yet doubts have been raised as to the right of the said corporation to acquire and hold the said lands for any other than the purposes expressly mentioned in the Municipal Act, or to alienate or otherwise deal with them than in the manner and for the purposes in the said Act or other statutes expressly authorized; the powers of alienation and disposition which it has exercised over the said portions of the said Little Lake Square having moreover in particular been questioned by reason of its having been alleged that the said Little Lake Square had been by implication or otherwise dedicated to the public as a public reserve

reserve or park, and its authority to make the expenditure from its general funds of the purchase money in its acquisition of the said lot eighteen and the south half of lot seventeen on Grosvenor street, and its said disposition thereof being also questioned; and whereas the said Little Lake Square has been and is useless to the said corporation or the public as a public park or reserve, or otherwise for the purposes of the said corporation, and except for the improvements placed thereon by the alienees of the said corporation, the same has remained in a state of nature, and it is desirable in the true interests of the said corporation, and in aid of its material progress, and it is the general desire of the ratepayers thereof, that its said alienations of and dealings with the said portions of the said Little Lake Square, and with the said lot eighteen and the south half of the said lot seventeen on Grosvenor street should be legalized, and that it should be enabled to dispose of as it may see fit, for manufacturing or other purposes, the remaining portions of the said Little Lake Square, and that its right and title so to do should be hereafter free from doubt; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said the corporation of the village of Southampton, in the county of Bruce, had and has the same power and right, as any subject of Her Majesty has in regard to land held by him in fee simple absolute, to acquire and hold the said Little Lake Square and the said lot eighteen and the south half of lot seventeen on Grosvenor street, and to lease, sell, grant, convey or dispose thereof in fee simple absolute, or for any less estate, or for any term, and otherwise deal therewith for such purposes in the most full and ample manner, free from any purpose, or implied or other trust in the said corporation for or with which the same may now be held or incumbered, and the grants, alienations and dispositions of portions of the said lands in the preamble hereof mentioned, heretofore made by the said corporation, are declared to be valid.

Title in certain lands declared and confirmed.

2. Subject to the provisions of "The Municipal Act," the said corporation may accept mortgages on the said lands to secure unpaid purchase money, or the establishment of manufacturing industries thereon, or otherwise to secure the due fulfilment of any agreement, contract, or by-law in respect of the said lands.

Corporation may accept mortgages.

3. Every disposition of, or dealing with, or contract or agreement regarding the said lands under this Act shall be in writing, under the seal of the said corporation, and shall be signed by the head and clerk thereof for the time being.

Dispositions to be in writing.

4.

Moneys to be held for general purposes.

4. The moneys arising from any disposition, contract or agreement made by the said corporation under this Act respecting the said lands shall be held by it for the general purposes of the said corporation.

Consent of ratepayers required.

5. Provided that no disposition of, dealing with, or contract or agreement regarding the said lands, other than those mentioned in the preamble to this Act, shall be valid, unless the assent of the majority of the ratepayers of the said corporation is first obtained thereto, by by-law, submitted in accordance with the Municipal Act, and in the same manner as by-laws for raising on the credit of the municipality money not required for its ordinary expenditure, and not payable within the same municipal year.

CHAPTER 43.

An Act to vest certain Property in the Stratford High School Board.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the board of education for the town of Stratford, in or about the month of March, one thousand eight hundred and seventy-eight, determined to purchase park lot number four hundred and forty-three, in the Canada Company's survey of the town of Stratford, and erect thereon a building to accommodate several classes of the public school, and also the high school, the site of which was then inconveniently situated and the building entirely inadequate; and whereas the question of compensation for the said land was duly submitted to the arbitration of Messieurs Daniel Home Lizars, James Peter Woods, and William Alexander, the Inspector of Public Schools, who made their award on the second day of April, one thousand eight hundred and seventy-eight, awarding, as such compensation, the sum of three thousand and eighty-one dollars and twenty-five cents; and whereas upon application of said board of education, treating the said land and building as public school property, and requiring the necessary money for said purposes, the municipal council of the said town of Stratford duly passed the following by-laws, namely: A by-law, numbered two hundred and sixty-seven, to borrow twenty-two thousand dollars, to issue debentures therefor, and to levy one mill and eleven-twentieths of a mill upon all the property in the municipality, liable to be rated for public school purposes, for payment of the interest on said debentures, and for raising the requisite sinking fund; also a by-law, numbered two hundred and ninety-two, to borrow

eight

eight thousand dollars, to issue debentures therefor, and to levy an annual sum of eight hundred and one dollars and ninety-five cents on all the property of the municipality liable to be rated for the support of public schools therein; and whereas all the debentures authorized by the said by-laws were duly issued and sold, and the proceeds of such sale applied towards the purposes aforesaid, and the said building is now complete, but the compensation awarded has not yet been paid; and whereas the board of education of the town of Stratford has been dissolved, and the public school board of the town of Stratford, in the county of Perth, and the Stratford high school board have agreed that the said land and building shall be the property of the said the Stratford high school board; and whereas on the requisition of the Stratford high school board the municipal council of the town of Stratford has passed its by-law number three hundred and thirty-six, to raise and appropriate to and for the Stratford high school board the sum of thirty thousand dollars to enable it to purchase the said land and building from the said public school board by levying the annual rates and sums imposed by the by-laws first above mentioned, in manner as provided in the second and third sections of this Act; and whereas it is still of great importance to the ratepayers and their children attending public schools, that classes of the public schools should occupy a portion of said building, which they can do without encroaching upon the accommodation requisite for said high school; and whereas the Stratford high school board, the public school board of the said town and the municipal council of the said town have petitioned for an Act vesting the said land and building in the Stratford high school board, and to enable the said municipal council to levy the amount prescribed by the said by-laws upon all the ratable property of the said municipality as aforesaid, and for other the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Park lot number four hundred and forty-three, in the Canada Company's survey of the town of Stratford, in the county of Perth, and the school buildings thereon erected, are hereby vested in and declared the exclusive property of the Stratford high school board, subject to payment of the compensation by the said award directed to be paid, and all remedies therefor by the law provided. Park lot 443 vested in high school board.

2. In lieu of the special rate provided to be levied by the said by-law of the said town of Stratford numbered two hundred and sixty-seven, and during the period prescribed by said by-law for the levying of such special rate, the municipal council of the said town shall, in order to pay and raise the interest Special rate to be levied in lieu of rate under by-law 267.

interest and sinking fund by the said by-law authorized and provided, levy upon all the ratable property in the said town an annual special rate sufficient to raise such a sum as in the year one thousand eight hundred and seventy-nine, by a rate of one mill and eleven-twentieths of a mill in the dollar on all the ratable property then liable in said town to be rated for public school purposes, would have been raised and levied.

Council to
levy a rate in
lieu of the rate
under by-law
292.

3. The said council shall also, during the period mentioned for raising an annual sum in the by-law in this section mentioned, levy, upon all the ratable property in the said town, an annual rate sufficient to raise the sum of eight hundred and one dollars and ninety-five cents, being the amount required to be raised annually by the said by-law, number two hundred and ninety-two, which rate shall be in lieu of the rate provided for by the said by-law.

Power for
high school
board to lease
to public
school board.

4. The Stratford board of high school trustees may lease to the public school board of the said town, for public school purposes, such portion of the said building, and upon such terms as the two boards may agree upon: Provided that such leasing shall always be at a fair rental, and that at any time the Minister of Education may, upon application made to him and upon hearing all parties concerned in that behalf, annul, modify or vary such lease.

CHAPTER 44.

An Act respecting a certain assessment for local improvements in the Town of Strathroy.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the mayor and council of the corporation of the town of Strathroy have, by their petition, represented that they decided to contribute the one-half of the cost of putting down a drain along Frank street, and of paving said street with cedar blocks, and published a notice in two newspapers in said town, as required by section five hundred and fifty-three of the Municipal Act, and that they intended to assess and levy the remaining portions of such cost from the owners of the real property directly benefited thereby; and whereas after said notice had been published, and said drain had been constructed, and said street paved, sub-section two of section five hundred and fifty-one of the Municipal Act was amended by section twenty-six of the Act passed in the forty-fourth year of Her Majesty's reign, chaptered twenty-four, intituled "The Municipal

cipal Amendment Act of 1881," by striking out the words "by an annual rate in the dollar on the real property so benefited according to the value thereof, exclusive of improvements," occurring at the end thereof, and substituting in lieu thereof the words "by means of an annual special rate on the real property so benefited according to the frontage thereof," and whereas the said mayor and council have, by said petition, prayed that they may be empowered to assess and levy the necessary rate for the said improvements on the real property benefited thereby according to the value thereof and not according to the frontage, and that all defects in said notices be cured; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding the provisions of section twenty-six of chapter twenty-four of the Acts passed in the forty-fourth year of Her Majesty's reign, being the "Municipal Amendment Act of 1881," the council of the town of Strathroy may provide funds for the improvements in the preamble mentioned, by assessing and levying an annual rate in the dollar on the real property benefited, according to the value thereof, exclusive of improvements, instead of by means of an annual special rate on the real property benefited according to the frontage thereof.

Assessment may be made on value of property and not according to frontage.

2. Notwithstanding any irregularity, informality or defect in the notice published by the said corporation, and required by section five hundred and fifty-three of the Municipal Act, the same shall be valid and effectual to all intents and purposes.

Notice to be valid notwithstanding defects.

CHAPTER 45.

An Act to extend and define the limits of the Town of Trenton.

[Assented to 10th March, 1882.]

WHEREAS the council of the town of Trenton, in the county of Hastings, and certain of the owners of the adjacent territory within the boundaries hereinafter mentioned have, by their petitions, represented that the extension of the present limits of said town by setting off and attaching to said town the south-westerly portion of the township of Sidney, in said county, and the south-easterly portion of the township of Murray, in the county of Northumberland, as hereinafter in this Act more particularly described, would promote its future progress and prosperity, and overcome certain inconveniences

Preamble.

inconveniences in connection with assessments and the registration of title deeds, and enable its inhabitants to carry out improvements they are desirous of making on said territory; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Parts of townships of Sidney and Murray added to Trenton.

1. That portion of the township of Sidney, in the county of Hastings, and that portion of the township of Murray, in the county of Northumberland, respectively, embraced within the following limits, to wit:—Commencing at a point in the limit between lot or gore A and lot number one, in the first concession of the said township of Sidney, at the distance of sixty chains, measured northerly, from the northerly limit of the gravelled road from Trenton to Belleville; thence south, seventy-four degrees west, eight chains and thirty links, more or less, to a point distant three chains easterly from the easterly limit of Chesnut street; thence north, sixteen degrees west, parallel to Chesnut street, eighty chains, more or less, to the rear of the first concession of the township of Sidney; thence south, seventy-four degrees west, seven chains; thence south, sixteen degrees east, parallel to Chesnut street, eighty chains; thence south, seventy-four degrees west, sixty-eight chains and twenty links, more or less, to the water's edge of the easterly side of the River Trent; thence northerly, following the said water's edge of the River Trent, eighty-five chains, more or less, to a point on the said water's edge distant northerly, at right angles therefrom, five chains from the northerly limit of the Grand Trunk railway property; thence in a south-westerly direction, parallel to the Grand Trunk railway property, twenty-six chains, more or less, to the limit between lots numbers three and four, in the second concession of the township of Murray; thence north, sixteen degrees west, along the said limit between said lots numbers three and four, seventy chains, more or less, to the rear of the second concession of the township of Murray; thence north, seventy-four degrees east, sixty-one chains, more or less, to the limit between the townships of Sidney and Murray; thence south, sixteen degrees east, along the said limit between said townships, fifty-five chains, more or less, to a point in line with the southerly limit of the road allowance between the first and second concessions of the township of Sidney, produced westerly; thence north, seventy-four degrees east, fifty chains, more or less, to the limit between lot or gore A and lot number one, in the first concession of the township of Sidney; thence south, sixteen degrees east, along the said limit between lot or gore A and lot number one, eighty chains, more or less, to the place of beginning; shall, from and after the passing of this Act, be added to the limits and form part of the said town of Trenton, subject to the same provisions

of

of law as if such additions had been made under the Act respecting Municipal Institutions in the Province of Ontario, and amendments thereto, except so far as the same are inconsistent with the provisions of this Act.

2. The said town of Trenton, together with said additional territory defined and bounded as aforesaid, shall be, from and after the passing of this Act, wholly within and form part of the county of Hastings; and the same is hereby divided into three wards, in manner described in the schedule to this Act, to be named East Ward, Centre Ward, and West Ward.

Trenton to form part of county of Hastings.
Wards.

3. Nothing in this Act contained shall exempt any part of the lands so detached and added as aforesaid from liability for the debts and obligations contracted before the passing of this Act by the county, township, or other municipality of which said lands formed part.

Liabilities of added lands not affected.

4. Said debts and liabilities shall be adjusted between the different municipalities interested therein in manner and form as is provided in such cases in the Municipal Act and amendments thereto.

Adjustment of debts and liabilities.

5. The expenses incurred in obtaining this Act shall be borne by the said town of Trenton, and shall be paid by the said town to the parties respectively entitled thereto.

Expenses of Act.

SCHEDULE.

EAST WARD.

Commencing at the water's edge of the Bay of Quinte where it intersects the centre line of Trent street; thence northerly, along the centre line of Trent street, to the centre line of King street; thence north-westerly, along the said centre line of King and Marmora streets, until it intersects the centre line of James street; thence south-westerly, along the said centre line of James street, until it intersects the water's edge of the River Trent; thence south-westerly, in a direct line for the centre line of the easterly end of Metcalf street, to the centre line of the River Trent; thence northerly, along the centre line of the River Trent, to the northerly limit of the town of Trenton; thence easterly and southerly, following the northerly and easterly limit of the town of Trenton, to the water's edge of the Bay of Quinte; thence westerly and northerly, following the said water's edge of the said Bay of Quinte, to the place of beginning.

CENTRE

CENTRE WARD.

Commencing at the water's edge of the Bay of Quinte where it intersects the centre line of Trent street; thence northerly, along the centre line of Trent street, to the centre line of King street; thence north-westerly, along the said centre line of King and Marmora streets, until it intersects the centre line of James street; thence south-westerly along the said centre line of James street, until it intersects the water's edge of the River Trent; thence south-westerly, in a direct line for the centre line of the easterly end of Metcalf street, to the water's edge of the River Trent, on the west side of the river; thence westerly, along the centre line of Metcalf street, until it intersects the centre line of Front street; thence south-easterly, along the said centre line of Front street, until it intersects the centre line of Division street; thence southerly, along the said centre line of Division street, until it intersects the centre line of Wragg street; thence easterly, along said centre line of Wragg street, to the water's edge of the Bay of Quinte; thence southerly, along the water's edge of said Bay of Quinte, to the southerly end of Rear street; thence north-easterly, in a direct line, to the south-easterly angle of the limits of the town of Trenton; thence westerly and northerly, following the water's edge of the Bay of Quinte, to the place of beginning.

WEST WARD.

Commencing at the water's edge on the Bay of Quinte, where it intersects the centre line of Wragg street; thence westerly, along the centre line of said Wragg street, until it intersects the centre line of Division street; thence northerly, along the said centre line of Division street and Front street, until it intersects the centre line of Metcalf street; thence easterly, along said centre line of Metcalf street, to the water's edge of the River Trent; thence north-easterly, in a direct line for the centre line of the westerly end of James street, to the centre line of the River Trent; thence northerly and easterly, along the centre line of the River Trent, to the northern limit of the town of Trenton; thence westerly and southerly, following the turns of the northerly and westerly limit of the town of Trenton, to the water's edge of the Bay of Quinte; thence easterly and northerly, along the water's edge of the Bay of Quinte, to the place of beginning.

CHAPTER 46.

An Act respecting By-law number two hundred and seventeen, of the County of Wellington.

[Assented to 10th March, 1882.]

WHEREAS by by-law number two hundred and seventeen Preamble.
of the corporation of the county of Wellington, passed on the fifth day of February, one thousand eight hundred and seventy-four, to aid and assist the Credit Valley Railway Company, by giving one hundred and thirty-five thousand dollars to the company by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest, it is provided that for the purpose of paying such debt and interest certain annual special rates shall, in addition to all other rates, be levied and collected upon all the ratable property within the section of the county of Wellington in such by-law described, which special rates were fixed according to the then assessed value of the ratable property within the section of the said county described in said by-law; and whereas the sums required to be raised annually by special rate for paying the debentures issued under said by-law, and yet outstanding, with interest, are about the sum of eleven thousand eight hundred dollars, in each of the years from one thousand eight hundred and eighty-two to one thousand eight hundred and ninety-three inclusive; and whereas the value of the ratable property within the said section of the said county has largely increased since the said by-law was passed, and the said special rates imposed by such by-law, together with the annual sums which have been agreed to be paid in respect of their share of said debt by the municipalities of Orangeville and East Garafraxa, within said section, but now forming part of the county of Dufferin, will yield much more than sufficient to pay the said sums required to be raised annually; and whereas the council of the corporation of the county of Wellington has presented a petition praying that an Act may be passed to authorize the council of the said corporation to pass a by-law or by-laws, from time to time, to reduce or alter such special rates to such an amount as will be sufficient to yield in each of the said years the said sum required as aforesaid, for the purpose of paying the said debentures and interest; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the council of the corporation of the county of Wellington, from time to time, to pass

Power to alter the rates imposed under a by-law 217.

a by-law or by-laws to reduce or alter the fixed special rates imposed under the said by-law number two hundred and seventeen, to an amount sufficient to yield the full sums required by the said by-law, to be raised annually.

Obligation of corporation as to indebtedness under said by-law not affected.

2. Nothing herein contained shall diminish the obligation of the said corporation to pay the debentures issued under the said by-law and the interest thereon, or the obligation to levy and provide the full specific sums required to be raised annually under the said by-law.

CHAPTER 47.

An Act respecting the Old Burying Ground of the Town of Wingham.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the corporation of the town of Wingham have, by their petition, set forth that by a certain patent from the Crown, Charles T. Scott, Peter Fisher, William Thompson, Philip Curry and Lewis J. Brace became seised of park lot number nine, on the west side of Josephine Street, in the town of Wingham, Government survey, as trustees for a cemetery company thereafter to be formed under the Cemetery Act, in trust, to convey the said parcel of land to the said cemetery company so to be formed; that the said Philip Curry is since deceased, and that no such cemetery company has been formed, but the said parcel of land is still vested in the said trustees, and that the said corporation have purchased certain lands in the township of Turnberry, adjacent to the town of Wingham, as a site for a new cemetery, and have incurred great expense in fencing, erecting necessary buildings, and laying out and beautifying the same, and that the said corporation have by by-law prohibited the interment of the dead within the limits of the said town from and after the sixth day of November, in the year of our Lord one thousand eight hundred and seventy-six, excepting in the said new cemetery, and that a number of bodies that were interred in the said Old Burying Ground have been already removed by their relatives or friends, and that the said corporation is desirous of removing the said bodies interred therein, and of selling and disposing of the said lands, or of using the same for some public purpose, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The land and property known as the "Old Burying Ground" in the town of Wingham, and being composed of park lot number nine, on the west side of Josephine Street, in said town of Wingham, Government survey, is hereby vested in the said corporation of the town of Wingham, and, from and after the removal of the bodies, as hereinafter mentioned, to have and to hold the said lands unto the said corporation, freed and discharged from any and all trusts under which they are now held, and of and from all right, title, interest, claim and demand of any person or persons who may have purchased lots for burial purposes therein.

"Old Burying Ground" vested in corporation of Wingham.

2. The said corporation shall have full power and authority, after giving notice as hereinafter required, to remove from the said "Old Burying Ground," at the sole cost of such corporation, the remains of the dead therein interred, to the new cemetery mentioned in the preamble to this Act, and at the like cost, there to re-inter such remains decently and in order, and to re-erect any monument or headstone erected on said burial ground at the time of such removal, and so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased as to the manner of such removal or re-interment, and so as that such re-interment shall be in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

Removal of remains of the dead.

3. The said corporation shall, before removing the remains of the dead as aforesaid, during a period of one month, publish a notice once a week in the *Ontario Gazette* and in one newspaper published in the town of Wingham, which said notice shall set forth the powers in the last preceding section granted, and that persons owning burial lots from which the remains of the dead are sought to be removed, will, on removing the said remains to the new cemetery, receive conveyances of burying plots therein corresponding in size as nearly as may be with those lots from which the remains of the dead shall have been so removed, and the said corporation shall be required to procure and furnish such conveyance, and to pay all reasonable expenses incurred or sustained by reason of such removal or re-interment, and no further or other notice to the friends or relatives of the deceased shall be necessary.

Notice of removal.

4. So soon as all the bodies which are now interred in said "Old Burying Ground" are removed as hereinbefore provided for, it shall be lawful for the said corporation, and it is hereby authorized by deed, to lease or sell and convey in fee simple, or for any lesser estate, the said lands known as said "Old Burying Ground," and the said corporation is hereby authorized to sell the same either by public auction or private contract, and either for cash or for credit, and in such parcels, for such prices and upon such terms and conditions as may be deemed

Power to lease or sell.

deemed expedient, and the said corporation is empowered to lease or sell and convey as aforesaid the said lands freed and discharged from all trusts under which they are now held, and of and from all right, title, interest, claim and demand of any person or persons who may have purchased or assumed to purchase lots for burial purposes in the "Old Burying Ground" aforesaid, or of their representatives, and the lots to be conveyed to such persons in the new cemetery aforesaid shall be accepted by the said persons in lieu of the lots purchased by them in the "Old Burying Ground," and in lieu of all right, title, interest, claim or demand they may have in respect thereof: Provided, however, that instead of selling or disposing of such lands as aforesaid, it shall be lawful for the said corporation for the time being to set apart the said lands for a public park, until sale or disposal thereof as aforesaid, and from time to time to pass by-laws for the care and regulation of the same as such public park.

Proviso.

Power to accept mortgages as security for purchase money.

5. Should the said corporation sell under the provisions of this Act the said lands or any part thereof, and grant time for the payment of the purchase money, or any portion thereof, the said corporation is hereby authorized and empowered to take and accept as security for the payment thereof mortgages from the respective purchasers on the land sold to them respectively containing the ordinary and usual covenants and power of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.

Care to be taken that all remains are removed before sale of land.

6. It shall be the duty of the said corporation to use due care and diligence that all the remains of the dead have been removed from the said "Old Burying Ground" before they may sell or lease as aforesaid; but the title of any lessee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from any portion or portions so leased or sold, if it shall be made to appear to the county judge of the county of Huron, for the time being, and if he shall so certify under his hand that all the remains of the dead so far as the same can be discovered have been removed from the said portion or portions so leased or sold, and such certificate shall be registered in the registry office for the said county, on the production thereof to the registrar and the payment to him of one dollar as a fee for such registration.

Reference to Act in conveyances.

7. All deeds and conveyances made under this Act may refer thereto in manner, or to the effect following:

This Indenture, made the _____ day of _____ in the year of our Lord _____ under the authority of an Act of the Legislative Assembly of the Province of Ontario, passed in the forty-fifth year of Her Majesty's reign, chapter _____ intitled "An Act respecting the Old Burying Ground of the Town of Wingham."

CHAPTER 48.

An Act to Consolidate the General Debenture Debt of the Village of Yorkville.

[Assented to 10th March, 1882.]

WHEREAS the corporation of the village of Yorkville, Preamble.
 by their petition, have represented that they have incurred a general debenture debt to the amount of one hundred and forty-three thousand seven hundred and sixty-one dollars, secured by the debentures of the corporation, and have prayed that the said debenture debt may be consolidated, and that they may be authorized to issue debentures for that purpose, less the sum of thirty-one thousand three hundred and seventy dollars, being the amount now at the credit of the sinking fund in respect of said outstanding debentures, and which last mentioned amount is to be applied to the full extent thereof towards payment of said outstanding debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said general debenture debt of the corporation of the village of Yorkville is hereby consolidated at the sum of one hundred and forty-three thousand seven hundred and sixty-one dollars, and it shall and may be lawful to and for the said corporation of the village of Yorkville to raise by way of loan, upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding one hundred and twelve thousand three hundred and ninety-one dollars of the lawful money of Canada, said last mentioned sum being the amount of the said existing general debenture debt less the amount mentioned in the preamble to this Act as now standing to the credit of the sinking fund in respect thereof.

Debts consolidated at the sum of \$143,761.

Power to borrow

2. It shall and may be lawful for the said corporation of the village of Yorkville to pass a by-law or by-laws, authorizing the said loan of one hundred and twelve thousand three hundred and ninety-one dollars, and the issuing of the debentures therefor, in accordance with this Act, and to impose in and by said by-law or by-laws, a special rate per annum, on the whole ratable property of the said municipality, to be called "The Consolidated General Debenture Loan Rate," over and above and in addition to all other rates to be levied in each year, which

Authority to pass by-law for new debentures.

which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually, for interest, and to provide a fund for the due payment of the principal, when the same shall fall due, of the said debentures last mentioned.

Assent of electors to by-laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said village to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by "The Municipal Act."

Debentures may be issued to the amount of \$112,391.

4. It shall and may be lawful for the municipal council of the said corporation of the village of Yorkville, after the passing of such by-law or by-laws authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the reeve and countersigned by the treasurer of the said village for the time being, for such sums not exceeding in the whole the said sum of one hundred and twelve thousand three hundred and ninety-one dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half-yearly.

Debentures, when and how payable.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same, with the interest accruing thereon, may be made payable either in this Province, in Great Britain, or elsewhere, as the said council may, by the by-law or by-laws direct or shall deem expedient, and a portion of the said debentures issued under any such by-law shall be made payable in each year, for forty years, from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application of proceeds.

6. The funds derived from the negotiation and sale of the debentures authorized by this Act, together with the said sum of thirty-one thousand three hundred and seventy dollars now at the credit of the sinking fund mentioned in the preamble to this Act, shall be applied in and to the payment of the said existing general debenture debt of one hundred and forty-three thousand seven hundred and sixty-one dollars, and not otherwise, and shall for that purpose be deposited until required in the agency of a chartered bank of Canada, at the village of Yorkville, or elsewhere in this Province, or invested in Government securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council, and such bank or Government shall from time to time agree upon, or in such other securities as may be authorized by the Lieutenant-Governor in Council, and shall only be withdrawn therefrom

as

as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt and other liabilities, or any part thereof, and not otherwise.

7. The treasurer of the said village shall, on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities, specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, and out of the moneys standing to the credit of said sinking fund as aforesaid, or may, with the like consent, substitute therefor the said debentures, or any of them above authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures.

Outstanding debentures may be called in.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, authorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-law not to be repealed until debt satisfied.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said village for the time being, to invest from time to time, all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same, or derived from the investment of the said moneys as hereinafter mentioned, less the interest, payable in respect of the said debentures, to be issued in pursuance of this Act, for the then current year, in either the bank or Government securities mentioned in the sixth section of this Act, as the said council shall direct, and upon such terms as the said council and bank or Government shall agree upon, or on such other securities as may be authorized by the Lieutenant-Governor in Council; and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said last-mentioned debentures, or the said outstanding debentures and other liabilities or any part thereof, and to apply the residue of such moneys from time to time to the payment of the interest on the said debentures, and not otherwise, nor for any other purpose whatever.

Investment of sinking fund.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid, or illegal, or be allowed as a defence to any action brought against the said corporation

Inconsistent provisions in Municipal Acts not to apply.

Irregularity not to render by-law or debentures invalid.

corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

Liability of
corporation
not dis-
charged.

11. Nothing in this Act contained shall be held or taken to discharge the corporation of the village of Yorkville from any indebtedness or liability which may not be included in the said debt of one hundred and forty-three thousand seven hundred and sixty-one dollars.

Proviso as to
outstanding
school
debentures.

12. Notwithstanding anything in this Act contained, all of the said now outstanding debentures, which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in the said village of Yorkville are not now liable or compellable to be rated or assessed shall be provided for, retired and paid in all respects as if this Act had not been passed.

CHAPTER 49.

An Act respecting the Erie and Huron Railway Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Erie and Huron Railway Company have petitioned that an Act may be passed to amend the Act for the incorporation of the said company, passed in the thirty-sixth year of Her Majesty's reign, and chaptered seventy, and the several Acts amending the said Act, so as to extend the time for the completion of the said railway to a further period of one year from the time already fixed for the completion thereof, by the Act passed in the forty-fourth year of Her Majesty's Reign, chaptered sixty-two; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for com-
pletion of rail-
way extended.

1. The time for the completion of that portion of the said railway in the county of Kent is hereby extended one year from the time now limited for the completion thereof, by the Act passed in the forty-fourth year of Her Majesty's reign, and chaptered sixty-two; and the time for the completion of that portion of the said railway in the county of Lambton is hereby extended until two years from the time now limited by said Act, passed in the forty-fourth year of Her Majesty's reign, and chaptered sixty-two.

2. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways in such municipality, and whether or not the same be in possession or under the control of any joint stock company, and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company, and it shall be lawful for the company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Municipalities may allow the company to lay its track on highways.

3. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold wharves, piers, docks, water lots, and lands, and upon the said water lots and lands, and in and over the waters adjoining the same, to build or lease elevators, storehouses, warehouses, and engine-houses, sheds, wharves, docks, piers, and other erections for the use of the company, and the steam and other vessels owned, worked, or controlled by the company, and any other steam or other vessels, and to collect wharfage and storage charges for the use of the same.

Power to purchase and hold wharves, etc.

4. It shall and may be lawful for the company to purchase, build, complete, fit out, and charter, sell and dispose of, work, and control and keep in repair steam or other vessels from time to time, to ply on lakes, rivers, and canals of this Province in connection with the said railway, and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Power to purchase and work vessels in connection with the railway.

5. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or shares which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

Power to pledge bonds or shares.

6. It shall be lawful for the directors of said company to enter into any contract or contracts with any individual or association of individuals, for the construction, or equipment, or both, of the said railway line, or any part thereof, including or excluding the procuring of the right of way for said railway line, and to pay therefor either in cash or in bonds, or partly in paid up stock of said company, or otherwise, as may be deemed expedient: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person, or represented by proxy,

Power to contract for construction or equipment of railway.

Provido.

at

at a general meeting of shareholders duly convened for considering the same.

Power to construct and operate telegraph lines.

7. The said company may construct and operate a telegraph line or lines in connection with their said railway, and enter into any arrangements concerning the same with any telegraph or railway company, and all the powers conferred upon telegraph companies by the various statutes relating to telegraph companies, are hereby conferred upon the said company, and the provisions of any statutes for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the company.

By-law of the County of Lambton declared invalid.

8. The by-law of the county of Lambton taxing that portion of the said county comprising the town of Petrolia, the villages of Oil Springs, Wyoming and Forest, the municipality of Enniskillen, and parts of the municipalities of Plympton, Dawn and Sombra, for one hundred and ten thousand dollars, passed the thirteenth day of October, in the year of our Lord one thousand eight hundred and seventy-four, is hereby declared to be invalid and of no force and effect, and the power and authority (if any) to issue debentures thereunder is hereby repealed and declared to be at an end.

CHAPTER 50.

An Act to incorporate the Galt Junction Railway Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS David Tisdale, John H. Freeman, James C. Boyd, A. B. Atwater, and George W. Edgett, have petitioned for an Act to incorporate a company to construct a railway from some point in the town of Galt or vicinity, to some point in the town of Paris or vicinity, with power to connect with any and all railways it may cross, or be adjacent to, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. David Tisdale, John H. Freeman, James C. Boyd, A. B. Atwater, and George W. Edgett, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Galt Junction Railway Company."

2.

2. The said company shall have full power and authority under this Act to construct a railway from some point in the town of Galt, or vicinity, to some point in the town of Paris, or vicinity, with power to connect with any and all railways it may cross or be adjacent to, and on all or any part or parts of the said line of railway, to make, lay, and maintain a single or double track. Location of line.

3. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

4. Conveyances of land to the said company for the purposes of and under the powers given by this Act made in the form set out in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates indorsed on the duplicates thereof. Form of conveyance.

5. From and after the passing of this Act, the said David Tisdale, John H. Freeman, James C. Boyd, A. B. Atwater, and George W. Edgett, until others shall be chosen as hereinafter provided, shall be and are hereby constituted the board of provisional directors of the said company, any three of whom shall be a quorum, with power to fill vacancies occurring thereon; to associate with themselves thereon not more than three others, who upon being so named shall also become and be provisional directors, equally with themselves; and they shall have power and authority, immediately after the passing of this Act, to open stock books, and receive subscriptions of stock for the undertaking, and in so doing may exclude any person from subscribing who in their judgment would hinder or delay the company from proceeding with the railway; and may allot and apportion the stock amongst the subscribers as to them may seem meet, and may cause surveys and plans to be made and executed, and may enter into a contract or contracts for building the said railway, and may make a call or calls upon the shares subscribed therein, and may exercise all such other powers as under the said Railway Act or any other law in force in Ontario, are vested in such boards. Provisional directors and their powers.

6. The capital stock of the company shall be two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each, with power to increase the same in the manner provided in the Railway Act of Ontario, and all moneys paid to the company in respect of such shares shall be applied, in the first place, to the payment of all costs, charges, and Capital.

and expenses of and incidental to the obtaining of this Act, and of all expenses for making the surveys, plans and estimates, connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and to the other purposes of the company.

First election
of directors.

7. As soon as shares to the amount of fifty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to said capital stock, who shall have paid up ten per centum of the shares by them subscribed, for the purpose of electing directors of the company.

Ten per cent.
to be paid on
stock at time of
subscription.

8. No subscription for stock in the capital of the company shall be valid, unless ten per centum thereof shall have been actually paid thereon within twenty days after the subscription into some one of the chartered banks of this Province, to be designated by the provisional directors, to the credit of the company.

Time and place
and notice of
meeting.

9. Notice of the time and place of holding such first and all subsequent general and annual meetings of shareholders shall be given by publication, once in the *Ontario Gazette*, at least two weeks previous to the day of meeting, and once a week in a daily newspaper published in Toronto during the two weeks preceding the week in which the meeting is to be held, and the meeting shall be held at such place, and on such day and hour, as the directors shall from time to time appoint and name in the notice calling the meeting, and at such first general meeting the subscribers for the capital stock who shall have so paid up ten per centum thereof, whether present in person or represented by proxy, shall choose five persons, any three of whom shall be a quorum, to be directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of
directors.

Special general
meetings.

10. Special general meetings of the shareholders of the said company may be held at such places, at such times, and in such manner and for such purposes as may be provided by the by-laws of the said company upon such notice as is provided in the last preceding section.

Votes.

11. Every shareholder of one or more shares of the capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, and no shareholder

holder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon. Qualification of directors.

13. Any meeting of the directors of the said company regularly summoned, at which not less than three directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors. Quorum of directors.

14. Calls on the subscribed capital of the company may be made by the directors for the time being as they shall see fit : Provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than one month, and notice of each call shall be given as provided in section nine. Calls.

15. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company. Rights of aliens.

16. At all meetings of the shareholders of the company, the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation ; and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy ; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting. Representation of corporations.

17. The directors of the company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power and authority : (1) To make and issue first mortgage bonds and also second or income mortgage bonds, such issue not to exceed in the whole the sum of five hundred thousand dollars, for the general purposes of the company as the same may from time to time be required, in such denominations, payable either in currency or in sterling, and at such place or places within this Province or without, and at such time or times, and bearing such rate of interest, and each bond for such an amount, as may be deemed advisable, and for the purpose of securing the due payment of any issue thereof and Issue of bonds.

and the interest thereon, to mortgage to a trustee or trustees such portion of the line of railway and of the undertaking, and such of the real property, including the rolling stock and equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned in such mortgage ; and such mortgage bonds and all coupons and interest warrants thereon may be payable to the bearer, and be transferable by delivery ; (2) every such mortgage to secure payment of first mortgage bonds shall, without registration, be a lien and charge upon such portion of the line of railway and of the undertaking and such of the real property, including the rolling stock and other equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, in preference and priority to all other charges thereon, and every such mortgage for securing payment of second mortgage or income bonds shall, without registration, be a lien and charge upon such portion of the line of railway, and of the undertaking, and such of the real property, including the rolling stock and equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, next after and subject only to the mortgage or mortgages securing first mortgage bonds ; and no more than one mortgage shall be made over the same portion of the line or over the undertaking and real property, including the rolling stock and equipment of the company, whether then existing or to be thereafter acquired, to secure the first mortgage bonds.

Power to mortgage bonds.

18. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which under the provisions of this Act can be issued for the construction of the said railway.

Exemption from taxation.

19. It shall further be lawful for the corporation of any municipality, in or through any part of which the railway of the company passes, or is situate, by by-law, specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years ; and any such by-law shall not be repealed unless in conformity with any condition contained in such by-law.

Snow fences.

20. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject

subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April following.

21. Whenever it shall be necessary for the purposes of procuring sufficient land for stations or gravel pits or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price, or to greater advantage, than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section. Power to acquire whole lots.

22. Any municipality through which the said railway may pass is hereby empowered to grant by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the construction, running, or traffic of the said railway, and said company may receive from any Government, or from any person, or body corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, grant, gift, or loan in money or land or debentures, or other securities for money or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.

23. The said company may construct and operate a telegraph line or lines in connection with their said railway, and enter into any arrangements concerning the same with any telegraph or railway company, and all the powers conferred upon telegraph companies by the various statutes relating to telegraph companies are hereby conferred upon said company, and the provisions of any statutes for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the company. Telegraph lines.

24. When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions Power to acquire quarries and gravel pits, etc.

provisions of the Railway Act of Ontario, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining of materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

25. When said gravel, sand, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Power to erect
warehouses,
etc.

26. The company shall have full power to purchase land for, and erect warehouses, elevators, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Company may
make promissory
notes, etc.

27. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or indorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed

Proviso.

strued to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

28. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment, or both, of the said railway line or any part thereof, including or excluding the procuring of the right of way for said railway line, and to pay therefor either in cash or in bonds, or partly in paid-up stock of said company or otherwise, as may be deemed expedient: Entering into contracts. Provided that no such contract shall be of any force or validity until approved of by two-thirds of the shareholders present in person or represented by proxy at a general meeting of shareholders duly convened for considering the same. Proviso.

29. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, which is or are lawfully empowered to enter into such an agreement, for the leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements with any other companies so lawfully authorized touching the use by one or the other, or by both companies, of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof: Arrangements with other companies. Provided that the assent of at least two-thirds in value of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company, and the provisions of this Act, and the company or companies leasing or entering into such agreement for using the said railway may, and are hereby authorized to work the said railway in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. Proviso.

30. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession or under the control of any joint stock company, then with Municipalities may allow company to lay its track on highways.

the assent of such company, and it shall be lawful for the company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Time of construction.

31. The construction of the said railway shall be commenced within two years, and the same shall be completed within five years after the passing of this Act.

SCHEDULE A.

(Section 4.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (or us) by the Galt Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey to the said company, and I (or we) [*insert name of any other party or parties*] in consideration of

dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release to the said company, all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Galt Junction Railway Company, their successors and assigns [*here insert any other clauses, conditions and covenants required*] and I (or we) wife (or wives) of the said

(or our) dower in the said lands. As witness my (or our) hand do hereby bar my

and seal (or hands and seals) this day of

one thousand eight hundred and

Signed, sealed and delivered }

in presence of

[L.S.]

CHAPTER 51.

An Act respecting the Leamington and St. Clair Railway Company.

[Assented to 10th March, 1882.]

WHEREAS the Leamington and St. Clair Railway Company has, by its petition, prayed for certain amendments to its charter; and whereas the corporation of the village of Leamington has petitioned that the bonus by-law, number thirty-four, granting aid to the Leamington, Comber and Lake St. Clair Railway Company be applied to the construction of the railway between the village of Leamington and the Canada Southern Railway; and whereas proof has been filed, that the ratepayers are unanimously in favour of the said bonus being so applied; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The third section of the Act passed in the fortieth year of Her Majesty's reign, chaptered seventy-two, as amended by the second section of the Act passed in the forty-second year of Her Majesty's reign, chaptered sixty-three, is hereby repealed, and in lieu thereof the company, by the said Act incorporated, and their agents and servants, shall have full power and authority to lay out, construct, and finish an iron railway from such point within the limits of the village of Leamington, on the shore of Lake Erie, or as near thereto as may be desirable, to a point on the Canada Southern Railway, near Comber station, with power to extend the same to any point on the shore of Lake St. Clair, in the township of Rochester, Tilbury or Maidstone. 40 Vic., c. 72, s. 3, as amended by 42 Vic., c. 63, s. 2, repealed. Location of line.
2. The time for the commencement and completion of the said railway shall be extended to two and four years respectively from the passing of this Act. Time for completion extended.
3. The by-law of the village of Leamington, numbered thirty-four, to aid and assist the Leamington, Comber and Lake St. Clair Railway Company, by giving, by way of bonus to the said company, the sum of twelve thousand dollars in debentures of the said company, shall be read as having been passed for the purpose of aiding the construction of the railway between the village of Leamington and the Canada Southern Railway, and no further; and the said by-law, and the debentures issued, or to be issued under the authority of the same, are hereby declared to be legal and valid, and the trustees mentioned in the said by-law By-law No. 34 of Leamington confirmed.

by-law, are hereby authorized and directed to treat the debentures issued, or to be issued, under such by-law as if such by-law had been passed, and such aid or bonus had been given for the construction of the company's line between Leamington and Comber station, and no further.

Time above
by-law to be
deemed to take
effect.

4. Whereas the said by-law of the municipality of Leamington was passed in the month of December, one thousand eight hundred and seventy-eight, and provided for paying interest and creating a yearly sinking fund for paying the principal and for the levying of a special rate for that purpose, for twenty years from the time the by-law came into effect; and whereas no special rate has been hitherto levied by the council of the said municipality, and no amount of the said debentures, either of principal or interest has been paid; and whereas it is desirable that the amount of bonus granted by the said municipality should be spread over twenty years, as contemplated by the said by-law; therefore, be it enacted that the said by-law of the village of Leamington, numbered thirty-four, shall be deemed to take effect and come into operation on the thirty-first day of December, one thousand eight hundred and eighty-one, instead of on the first day of December, one thousand eight hundred and seventy-eight, and that the debentures issued under the said by-law shall be made payable within twenty years from the thirty-first day of December, one thousand eight hundred and eighty-one, instead of within twenty years from the thirty-first day of December, one thousand eight hundred and seventy-eight, and that the special rate by the said by-law provided for, shall be accordingly levied for twenty years from the thirty-first day of December, one thousand eight hundred and eighty-one, and that interest on the said debentures shall be payable, and the provisions of the said by-law for the payment of interest, and the formation of sinking fund, to pay off the principal sum mentioned in the said by-law, shall be read as if the said by-law had come into effect on the thirty-first day of December, one thousand eight hundred and eighty-one.

Certain municipalities to have a lien for bonuses granted.

5. Any municipality which has hitherto or hereafter may grant aid to the said company, under the provisions of the Act passed in the fortieth year of Her Majesty's reign, chapter seventy-two, shall have a lien for the amount given to such company by way of bonus on all property of the said company, including the iron or steel rails, until the said company shall have constructed its line so as to be fit for the carrying of traffic between Leamington and the Canada Southern Railway, and run a train over the same.

Power to sell railway to Canada Southern railway.

6. In addition to the powers granted by the twenty-seventh section of the said Act, passed in the fortieth year of Her Majesty's reign, chaptered seventy-two, it shall be lawful for the said

said company to sell its line of railway, franchises, stocks, shares, properties, rights and privileges, of any nature or description whatever, to the Canada Southern Railway Company, upon such terms and conditions as may be agreed upon between the two companies: Provided that such sale, union, or amalgamation shall be approved of by a two-thirds majority of the shareholders at a general meeting thereof, specially called for that purpose. Proviso.

CHAPTER 52.

An Act to incorporate the London Junction Railway Company.

[Assented to 10th March, 1882.]

WHEREAS the construction of a railway from a point at Preamble.
or near the city of London, in the county of Middlesex, to a point at or near Port Burwell, on Lake Erie, intersecting the line of the Canada Southern Railway Company between the city of St. Thomas, in the county of Elgin, and the town of Tilsonburg, in the county of Oxford, or at a point at or near either of those places, has become necessary for the development of the resources of the said city of London and the said counties and country adjacent thereto; and whereas John McClary and others have petitioned that an Act may pass for the construction of said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. John McClary, James Armstrong, Andrew Cleghorn, John Incorporation.
B. Laing, Alexander Johnston, George S. Birrell, John Labatt, George Robinson, Charles S. Hyman, Mahlon G. Burwell, John Haggan, George I. Walker, William R. Farthings, J. B. Mills, Benjamin Cronyn, and John Martin, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders in the said company, hereby incorporated, shall become, and are hereby declared to be a body corporate and politic, by the name of the London Junction Railway Company.

2. The said company shall have full power and authority Location of line.
under this Act to construct a railway from a point at or near the city of London, in the county of Middlesex, to a point at or near Port Burwell, on Lake Erie, intersecting the line of the Canada Southern Railway Company at some point east of the city of St. Thomas, and within the county of Elgin.

3.

Gauge.

3. The gauge of the said railway shall be four feet eight and a half inches.

Form of conveyances.

4. Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set out in the Schedule A hereto annexed, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate indorsed on the duplicate thereof.

Provisional directors.

5. From and after the passing of this Act the said John McClary, James Armstrong, Andrew Cleghorn, John B. Laing, Alexander Johnston, George S. Birrell, John Labatt, George Robinson, Charles S. Hyman, Mahlon G. Burwell, John Haggan, George I. Walker, William R. Farthings, J. B. Mills, Benjamin Cronyn, and John Martin, shall be the provisional directors of the said company.

Powers of provisional directors.

6. The said provisional directors, until others shall be appointed as hereinafter provided, shall constitute the board of directors of the said company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who, upon being so appointed, shall become and be provisional directors of the company equally with themselves, to open stock books and to procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as under the Railway Act, and any other law in force in Ontario, are vested in such boards.

Appropriation of land.

7. It shall and may be lawful for the said company to pass over any portions of the country between the points in the second section mentioned, and to take and appropriate for the use of the said railway and the works connected therewith, so much of the land as may be necessary for the works of the said railway.

Capital.

8. The capital of the company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by the said Railway Act), to be divided into three thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, for the payment of all expenses for

for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

9. When and as soon as shares to the amount of one hundred and fifty thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Dominion having an office in the Province of Ontario, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in some paper published in the city of London, and in the *Ontario Gazette*, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as herein-after mentioned, who, together with the *ex-officio* directors under the Railway Act or this Act, shall constitute a board of directors, and shall hold office for one year or until their successors are elected.

First election
of directors.

10. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

Application of
sums paid.

11. The directors for the time being may, from time to time, make calls as they think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section nine of this Act.

Calls.

12. Thereafter the general meetings of the shareholders of the company shall be held in such place, on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given, as provided in section nine.

General
meetings.

13. Special general meetings of the shareholders of the said company may be held in such places, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in section nine.

Special gener-
al meetings.

14. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, upon which all calls have been paid up.

Qualification
of directors.

Rights of
aliens.

15. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Quorum of
directors.

16. At all meetings of the board of directors, four shall form a quorum for the transaction of business, and the said board of directors may employ one of their board as paid director.

Aid from mu-
nicipalities.

17. It shall be lawful for any municipality, or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expedient: Provided always, that when the said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions as to
bonus by-laws.

18. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—
(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way, and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters; (2) in the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act; (3) in the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders being duly qualified voters as aforesaid; (4) in the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

19. Such by-law shall in each instance provide :—(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ; (2) for assessing and levying upon all the ratable property lying within the municipality or portion of the township municipality, defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

By-law, what to contain.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

21. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit for expenses.

22. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality, "Minor municipality," meaning of.

23.

If by-law carried council shall pass the same;

23. In case such by-law be approved and carried in accordance with the provisions of the law in that behalf, then within one month after the date of such voting the said council shall read the said by-law a third time and pass the same.

And issue debentures.

24. Within one month after the passing of such by-law the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same to the trustees appointed or to be appointed under this Act.

Rate to be levied on part of municipality only.

25. In case any such loan, guarantee, stock subscription, or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Municipal Act to apply to by-laws.

26. The provisions of the Municipal Act, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Rate not exceeding three cents in the dollar valid.

27. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company, towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Proviso.

Exemption from taxation.

28. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law, specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Trustees of debentures.

29. Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority

majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

30. The said trustees shall receive the said debentures or bonds in trust: firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "London Junction Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as the said company become entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in the Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures; and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trusts of debentures.

31. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to trustees.
Act of two trustees binding.

32. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and

Issue of bonds.

Proviso.

Proviso.

Proviso.

and charges upon the undertaking and the real property of the company, including its rolling stock and equipment then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company, as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of eight thousand dollars per mile; nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for, and delivered to the company within the Provinces of Ontario and Quebec; and provided further, that in the event, at any time, of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Bonds, etc., may be made payable to bearer.

33. All such bonds, debentures, and other securities and coupons, and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such bonds, debentures or other securities so made payable to bearer, may sue at law thereon in his own name.

Company may make promissory notes, etc.

Proviso.

34. The said company shall have power and authority to become parties to promissory notes or bills of exchange, for sums not less than one hundred dollars, and any such promissory note and bill of exchange made or indorsed by the president or vice-president of the company, and countersigned by the secretary thereof, and under the authority of a quorum of the directors, shall be binding on the said company, and shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president or vice-president be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of banks.

35. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to a greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Powers as to procuring land for stations, gravel pits, etc.

36. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining of materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to acquire quarries and gravel pits.

37. When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act. at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to said company, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

Sidings to gravel pits, etc.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the "Railway Act of Ontario" shall not apply.

Commence-
ment and com-
pletion of
railway.

38. The railway shall be commenced within two years, and finally completed within four years after the passing of this Act.

Power to
mortgage
bonds.

39. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

Arrangements
with other
companies.

40. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, which is or are lawfully empowered to enter into such arrangement, for the construction, leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements with any other company so lawfully authorized touching the use by one or the other or by both companies of the railway or rolling stock of either or both or any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, and any such agreement shall be valid and binding, according to the contract terms thereof: Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a special general meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Act not to go
into effect
until city of
London con-
sents to can-
cellation of
lease of Lon-
don and Port
Stanley Rail-
way to Great
Western
Railway.

41. This Act shall not go into effect unless or until the company shall, within three months after the passing of this Act, have procured and deposited with the Provincial Secretary the consent of the corporation of the city of London to the cancellation of the lease bearing date the first day of September, eighteen hundred and seventy-two, to the Great Western Railway Company, of the London and Port Stanley Railway, and the agreement of the said corporation to pay, within one month after it shall have been ascertained, to the said the Great Western Railway Company, the value of all unexhausted improvements and repairs made by the said last named company upon the said railway since the date of the said lease, the

the same to be determined, in case of dispute, by the Master of the Chancery Division of the High Court of Justice (subject to appeal, as in the case of a reference to him in a cause pending in the said court): Provided, always, that such consent and agreement shall cease to be binding on the said corporation, unless the said the Great Western Railway Company shall, within three months after notice shall have been given to it of the deposit of the said consent and agreement with the Provincial Secretary, execute and deposit with him a surrender of the said lease duly executed by the parties thereto, ready to be delivered up upon payment of the sum fixed by the said Master as aforesaid.

42. The said consent and agreement may be in the form Form of consent. following, or to the like effect:

The corporation of the city of London hereby consent to the cancellation of the lease bearing date the first day of September, A.D. eighteen hundred and seventy-two, to the Great Western Railway Company, of the London and Port Stanley Railway, and agrees with the said company, in case it shall, within three months after notice of the deposit of this instrument with the Provincial Secretary shall have been given to it, execute and deposit with him a surrender of the said lease, duly executed by the parties thereto, ready to be delivered up upon payment of the sum fixed as hereinafter mentioned, to pay to the said company the value of all unexhausted improvements and repairs made by it upon the said railway since the date of the said lease, the same to be determined, in case of dispute, by the Master of the Chancery Division of the High Court of Justice (subject to appeal, as in the case of a reference to him in a cause pending in the said court); such payment to be made within one month after such value shall have been ascertained and determined in manner aforesaid.

In witness whereof the said corporation has caused its corporate seal to be affixed hereto this day of ,
A.D. eighteen hundred and eighty-two.

43. Compliance by the company with the condition contained in section forty-one shall be conclusively established by the certificate of the Provincial Secretary that the company has done so, and the publication of such certificate in the *Ontario Gazette*. Compliance of company with condition, how established.

SCHEDULE A.

(Section 4.)

Know all men by these presents that I (or we) [*insert the names or name of vendors*] in consideration of
dollars paid to me (or us) by the London Junction Railway
way

way Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert name of any other party or parties*] in consideration of dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said London Junction Railway Company, their successors and assigns, [*here insert any other clauses, conditions and covenants required*], and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.
As witness my (or our) hand and seal (or hands and seals) this
day of one thousand eight hundred

and

Signed, sealed and delivered }
in presence of }

(L.S.)

SCHEDULE B.

(Section 30.)

Chief Engineer's Certificate.

The London Junction Railway Company's Office, Engineer's
Department.

No.

A.D. 188 .

Certificate to be attached to cheques drawn on the London Junction Railway Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for the London Junction Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of [*here set out the terms and conditions, if any, which have been fulfilled*].

CHAPTER 53.

An Act respecting the Debenture Debt of the London and Port Stanley Railway Company.

[Assented to 10th March, 1882.]

WHEREAS the corporation of the city of London is the holder of first mortgage bonds of the London and Port Stanley Railway Company, hereinafter called the company, to the amount of two hundred and seventy-five thousand four hundred and fifty-three dollars, exclusive of interest, and of second mortgage bonds of the company to the amount of one hundred and twenty thousand dollars, exclusive of interest; and the corporation of the city of St. Thomas is the holder of first mortgage bonds of the company to the amount of thirty-two thousand dollars, exclusive of interest, and the said first and second mortgage bonds represent the whole of the indebtedness of the company, secured by mortgage on its lands, tolls, revenue and property; and whereas it has been agreed between the company and the said two corporations that the said first and second mortgage bonds shall be called in, and that the same shall be replaced by the mortgage bonds or debentures of the company, as hereinafter provided; and whereas the company has presented its petition praying for the passing of an Act to carry into effect the said agreement, and it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The company shall, on or before the first day of January next, issue and deliver to the corporation of the city of London mortgage bonds or debentures of the company to the amount of three hundred and twenty-seven thousand six hundred and forty-nine dollars, payable in ten years from the thirty-first day of August next, together with interest at the rate of six per centum per annum, payable half-yearly from the first day of March, one thousand eight hundred and eighty-two, and shall also, on or before the said first day of January next, issue and deliver to the corporation of the city of St. Thomas mortgage bonds or debentures of the company to the amount of thirty-eight thousand two hundred and ninety-six dollars, payable in manner aforesaid, with interest at the rate and payable also in manner aforesaid, and the said mortgage bonds or debentures shall be called first mortgage bonds.

2. The company shall also, on or before the said first day of January next, issue and deliver to the corporation of the city of St. Thomas mortgage bonds or debentures of the company to the amount of thirty-two thousand dollars, payable in manner aforesaid, with interest at the rate and payable also in manner aforesaid, and the said mortgage bonds or debentures shall be called first mortgage bonds.

poration of
London second
mortgage
bonds.

of the city of London mortgage bonds or debentures of the company to the amount of one hundred and sixty-four thousand four hundred dollars, payable in ten years from the thirty-first day of August next, together with interest at the rate of six per centum per annum, payable half-yearly from the first day of March, one thousand eight hundred and eighty-two, and the said last mentioned mortgage bonds or debentures shall be called second mortgage bonds.

Company to
issue and
deliver to cor-
porations of
London and
St. Thomas
third mort-
gage bonds.

3. The company shall also, on or before the said first day of January next, issue and deliver to the corporation of the city of London mortgage bonds or debentures of the company to the amount of one hundred and thirty-nine thousand three hundred and twenty-nine dollars, payable in ten years from the thirty-first day of August next, together with interest at the rate of six per centum per annum, payable half-yearly from the first day of March, one thousand eight hundred and eighty-two, and shall also, on or before the said first day of January next, issue and deliver to the corporation of the city of St. Thomas the mortgage bonds or debentures of the company to the amount of ten thousand six hundred and thirty-seven dollars, payable in manner aforesaid, with interest at the rate and payable also in manner aforesaid, and the said mortgage bonds or debentures in this section mentioned shall be called third mortgage bonds.

Corporations
of London and
St. Thomas to
receive said
bonds in satis-
faction of all
claims on
the bonds
mentioned in
preamble.

4. The corporation of the city of London and the corporation of the city of St. Thomas shall respectively accept and receive the mortgage bonds or debentures in the three preceding sections mentioned, in full satisfaction and discharge of the first and second mortgage bonds mentioned in the preamble to this Act, and of all interest thereon, and all judgments recovered against the company in respect thereof, and shall upon receipt of the mortgage bonds or debentures to be issued and delivered to them respectively as aforesaid, cancel and deliver up to the company the said first and second mortgage bonds now held by them respectively as aforesaid, and all other mortgage bonds of the company now held by them respectively, and thereupon the two indentures of mortgage respectively made by the company on the first day of February, one thousand eight hundred and fifty-five, and the seventeenth day of December, one thousand eight hundred and fifty-six, conveying to Edward Adams and Lionel Ridout, their heirs, executors, administrators and assigns, the lands, tolls, revenues and other property of the company for securing payment by the company's first and second mortgage bonds respectively shall be and become vacated and discharged, and notwithstanding anything in such mortgages contained, the company shall stand possessed of its original estate in the mortgaged premises.

5. The said mortgage bonds or debentures by this Act authorized shall, without any formal conveyance and without any registration, be a charge and claim upon the lands, tolls, revenues and other property of the company now owned or possessed or which may hereafter be owned or possessed by it, and the said first mortgage bonds or debentures shall be the first and preferential charge and claim thereon; and the said second mortgage bonds or debentures shall be the next charge and claim thereon, after the said first mortgage bonds or debentures, and the said third mortgage bonds or debentures shall be the third charge and claim thereon.

Bonds to be a charge on the undertaking.

6. Each holder of the bonds of any of the said classes shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders of the bonds of the same class upon the lands, tolls, revenues and other property of the company aforesaid.

Holders of bonds to be mortgagees *pro rata* with other holders of same class.

7. The company shall not borrow any further sum on the security of its lands, rents, tolls and other property or any or either of them, or any part thereof, until the mortgage bonds or debentures authorized by this Act to be issued shall have been fully paid, together with all interest thereon.

Company not to borrow further sums until said bonds are paid.

8. Nothing herein contained shall affect the lease bearing date first day of September, one thousand eight hundred and seventy-two, from the company to the Great Western Railway Company, or any rights or obligations now existing, or which may hereafter arise thereunder or in consequence thereof, and nothing herein contained shall affect the rights of the corporations of the city of London and of the city of St. Thomas, or either of them, or of their respective assigns, to receive the rents payable under the said lease to the extent to which they are now entitled to receive the same, and the said rents to the extent aforesaid shall continue to be paid in accordance with the provisions of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "An Act to amend an Indenture made between the London and Port Stanley Railway Company and the Great Western Railway Company," and shall be applied, when received, in payment of the said first mortgage bonds; and all the mortgage bonds or debentures by this Act authorized shall be and shall be expressed to be subject to the said lease to the Great Western Railway Company and to the agreement with the said company bearing date the twenty-fifth day of April, one thousand eight hundred and seventy, mentioned in the twenty-ninth clause of the said lease.

Lease to Great Western Railway not affected.

9. The said in part recited Act shall not be affected by this Act.

37 Vic., cap. 51, not affected.

No allotment of stock in excess of present issue to be made until payment of bonds.

10. The company shall not issue or allot any shares of its capital stock in excess of the sum of four hundred and forty-one thousand and five hundred dollars, the amount of the stock already issued and allotted, until the whole of the said mortgage bonds or debentures shall have been paid off, together with the interest thereon.

Consent of shareholders representing two-thirds of stock necessary to authorize union with other company.

11. No union, junction, or amalgamation of the company with any other railway company, and no sale to any other railway company of the railway of the company, shall take place or be made without the consent of shareholders representing or owning at least two-thirds of the subscribed capital stock of the company.

Consent of shareholders representing two-thirds of stock required to authorize any lease, etc.

12. The powers of leasing or making traffic arrangements which are or may be conferred by the Railway Act, or by any other General Railway Act now or hereafter in force, shall not be exercised by the company without the consent of shareholders representing or owning at least two-thirds of the subscribed capital stock of the company.

CHAPTER 54.

An Act to incorporate the Manitoulin Island Railway Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the construction of a line of railway from the line of the Ontario Sault Ste. Marie Railway at a point north of the village of Little Current, on the Manitoulin Island, to the village of Michael's Bay, on the south shore of said island, via the townships of Howland, Shequiandah, Assiginack and Tehkummah, on said island, with power to connect by ferry with Tober Morray, or some other point on the Indian Reserve, in the county of Bruce, would be of general benefit to the Province of Ontario; and whereas a petition has been presented praying the incorporation of a company for that purpose, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. George Brockett Abery, James Herman Tinkiss, Robert Adam Lyon, John Spears Playfair, and Alexander Ritchie Christie, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall

shall be and are hereby constituted a body corporate and politic, by and under the name of "The Manitoulin Island Railway Company."

2. The said company shall have full power and authority to lay out, construct, and complete a double or single iron or steel railway, of a gauge of four feet eight and one-half inches in width, from the line of the Ontario Sault Ste. Marie Railway, at a point north of the village of Little Current, on the Manitoulin Island, to the village of Michael's Bay, on the south shore of said island, via the townships of Howland, Shequandah, Assiginack and Tehkummah, on said island, with power to connect by ferry with Tober Morray or some other point on the Indian Reserve, in the county of Bruce.

Location of line.

3. Notwithstanding anything contained in the sections of "The Railway Act of Ontario" respecting "lands and their valuation," the said company may acquire land and water lot property for the purpose of their undertaking, in the manner provided for by the said sections, and may acquire, under the provisions in that behalf of the said Act, and hold such width of land on the sides of the railway, at any point, as may be needed, for the erection of snow-drift fences or barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow, and the compensation to be paid to the owners for such lands, as also the power of the company to take possession thereof, shall in case of difference be ascertained and exercised in the manner provided by the said sections of the said Railway Act.

Powers as to acquiring lands.

4. The capital stock of the company shall be six hundred thousand dollars, with power to increase the same in the manner provided in "The Railway Act of Ontario," to be divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and the organization of the said company, and for making the surveys, plans and estimates connected with the works hereby authorized, and the procuring of any plans and estimates heretofore made, and all the remainder of said moneys shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.

5. The said company may receive, either from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, bonuses, loans, or gifts of money, or securities for money, or grants of land, in aid of the construction, equipment or maintenance of the said railway, and upon accepting such aid the said company may agree to any conditions as to running powers

Aid to company.

powers or traffic arrangements in favour of any other lines which may be imposed by the Government granting said aid.

Provisional
directors.

6. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscriptions, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscriptions, and to withdraw the same for the purposes of the undertaking, and to receive for the company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under "The Railway Act of Ontario" are vested in ordinary directors.

Powers of
provisional
directors.

7. The said directors are hereby empowered to take all necessary measures for opening the stock books for the subscription of parties desirous to become shareholders in the said company, and to determine and allot to parties subscribing for stock in the said company the number of shares (if any) that parties so subscribing may have and hold in the capital stock aforesaid: Provided always that no subscription in the said stock books shall create the party or parties so subscribing a shareholder or shareholders in the said company without and until the authorization thereof by the directors of the company for the time being.

Subscriptions
not binding on
company until
ten per cent.
paid.

8. No subscription for shares in the capital of the company shall be binding on the company unless and until ten per centum of the amount subscribed has been actually paid thereon.

First general
meeting.

9. When and so soon as shares to the amount of sixty thousand dollars in the capital stock of the said company shall have been subscribed and allotted, and the sum of six thousand dollars paid thereon, the provisional directors shall call a general meeting of the shareholders to the said capital stock at Manitowaning, for the purpose of electing directors of the said company, giving at least two weeks' notice by advertisement in the *Ontario Gazette* and in one of the papers published in the city of Toronto, of the time, place, and purpose of said meeting.

First election
of directors.

10. At such general meeting the shareholders assembled in person or by proxy, who shall have paid up ten per centum on their shares, shall choose not more than nine persons to be
directors

directors of the said company (of whom five shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and "The Railway Act of Ontario."

11. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder, holding at least ten shares of stock in the company, and unless he has paid up all calls thereon. Qualification of directors.

12. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in Manitowaning, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette* and in one or more newspapers published at the city of Toronto, and special general meetings of the shareholders of the said company may be held at such places in Ontario, and at such times, and in such manner as may be provided by the by-laws of the company. Annual meetings.

13. For the purposes of the company the directors may issue bonds, and to secure the same, and the interest thereon, they may mortgage the undertaking or part thereof in the manner provided in "The Railway Act of Ontario," and in this respect the provisions of the said Railway Act shall apply; and it shall be lawful for any other railway company or companies legally authorized in that behalf to agree for the loan of its or their credit, either by direct guarantee, or traffic arrangements, or otherwise, to secure the payment of the interest on said bonds or any part thereof. Issue of bonds authorized.

14. It shall be competent for the directors of the said company to issue as paid-up stock any ordinary stock of the company, and allot and pay the same for right of way, plant, rolling stock or material of any kind, and also for the services of contractors, engineers and other persons, who may have been, are or may be engaged in and about the prosecution of the proposed undertaking. Certain payments allowed to be made in stock.

15. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill made, accepted or indorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the general or special authority of a majority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill. Company may become parties to notes, etc.

bill of exchange; nor shall the said president or vice-president, or the secretary and treasurer, be individually responsible on any bill or note made, accepted or indorsed by him or them on behalf of the company, provided the consideration for the said bill or note was received by the company, unless the said promissory notes or bills of exchange have been issued without the sanction and authority, either general or special, of the board of directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Calls.

16. The directors may at any time call upon the shareholders for such instalments upon each share, and in such proportions as they may see fit, but no such instalment shall exceed ten per centum on the subscribed stock, and thirty days' notice of each call shall be given, as prescribed by the by-laws of the company.

Agreements
with other
companies.

17. The said company shall have power to make running arrangements with any railway company which is lawfully empowered to enter into such an agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement with any other railway company whose line connects therewith, and which is lawfully authorized to enter into such an agreement, for leasing or hiring any locomotives, tenders, plant, rolling stock, or other property of either or of both, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof.

Form of
conveyance.

18. Conveyances of land to the said company for the purposes of the said railway, under the powers given by this Act, made in the form set out in the schedule hereto annexed, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry law of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof.

19.

19. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel-pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from any existing highway, the said company may purchase, hold, use, or enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or parts thereof, from time to time, as they may deem expedient; and may also make use of, for the purposes of the said railway, the water of any stream or water-course on or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course, and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said company to take possession thereof, shall in case of difference be ascertained and exercised in the manner provided in the sections of "The Railway Act of Ontario" respecting "lands and their valuation."

Power to take land for gravel pits, etc., and to use streams.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Proviso.

20. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line, the powers conferred upon telegraph companies by the Act respecting telegraph companies, being chapter one hundred and fifty-one of the Revised Statutes of Ontario, are hereby conferred upon the said company.

Telegraph line.

21. All the provisions of "The Railway Act of Ontario," except as varied by this Act shall apply to the said company.

Railway Act to apply.

22. The railway shall be commenced within three years, and completed within six years, after the passing of this Act.

Time for construction.

SCHEDULE.

(Section 18.)

Know all men by these presents, that I (or we) [*insert the names of vendors*] in consideration of dollars paid to me (or us) by the Manitoulin Island Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the names of any other parties*] in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, as the case may be) of land [*describe the lands*], the same having been selected or laid

laid

laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Manitoulin Island Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (*or we*) the wife (*or wives*) of the said

do hereby bar my (*or our*) dower in the said lands.
As witness my (*or our*) hand and seal (*or hands and seals*) this
day of one thousand eight hundred and .

Signed, sealed and delivered }
in presence of }

[L.S.]

CHAPTER 55.

An Act to incorporate the Medonte Tramway Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS Robert Parker, Alexander Archibald Allan, James N. Laird, James D. Allan, George Cook, and Charles H. Francis have, by their petition, prayed for an Act of incorporation under the name of "The Medonte Tramway Company," and authorizing the construction, operation and maintenance of a tramway from a point at or near Hillsdale, in the township of Medonte, in the county of Simcoe, to the village of Coldwater, in the said township of Medonte; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. The said Robert Parker, Alexander Archibald Allan, James N. Laird, James D. Allan, George Cook, and Charles H. Francis, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Medonte Tramway Company."

Railway Act incorporated with this Act.

2. The Railway Act of Ontario, chapter one hundred and sixty-five of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity, and fines and penalties and their prosecution," are incorporated with and form

a part of this Act, and shall apply to the said company, and the tramway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall include the clauses of the said Railway Act of Ontario so incorporated with this Act.

3. The company are hereby authorized and empowered to construct, maintain, complete and operate by such motive power as they shall see fit, a tramway of any gauge, with the necessary side tracks and switches, for the passage of cars and carriages adapted to the same, from a point at or near Hillsdale, in the township of Medonte, to a point at or near the village of Coldwater, and to extend the same to a point at or near Orr's Lake, four miles north of Hillsdale, with full power to pass over any portion of the country between the points aforesaid; and the company shall haul or permit to be hauled over its line all freight and traffic offered at such rates and subject to such terms and conditions as may from time to time be approved of by the Lieutenant-Governor in Council. Powers of company.

4. The capital stock of the company shall be twenty-five thousand dollars, in shares of fifty dollars each, but the capital stock may be increased at any time in the manner provided by the Ontario Railway Act, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring and passing this Act, and all the remainder of such moneys shall be applied to the acquisition, making, equipment, and completion of the said tramway. Capital.

5. The company may commence operations and exercise the powers hereby granted so soon as one-third of the capital stock shall be subscribed and ten per centum thereon paid up. Commencement and completion of the work.

6. The said Robert Parker, Alexander Archibald Allan, James N. Laird, James D. Allan, George Cook, and Charles H. Francis shall be first directors of the company, and shall severally hold their offices until the second Wednesday of January, one thousand eight hundred and eighty-three, and until their successors are appointed. First directors.

7. The company shall have power to lease iron and other material for any term of years from any railway company lawfully authorized to enter into such agreement, and they shall also have the power to sell or lease the said tramway to any railway company, or to make any arrangement with any railway company, lawfully authorized in that behalf, for operating or partially operating the said tramway. Agreements with other companies.

Aid to company.

8. The said company may receive from private individuals or from any municipality any bonus or gift for the construction and maintenance of the said tramway within the distance authorized by this Act.

Carriage of passengers by company.

9. The said company may, but shall not be bound to, operate the said tramway for passenger traffic.

Right to abandon tramway.

10. The company may, at the end of eight years or at any subsequent period, abandon and relinquish the said tramway and take up and remove all rails, ties and other material used in the construction thereof, and in such case all lands acquired for the purposes of the said tramway shall forthwith thereafter vest in the owner of the lands respectively severed by the said tramway or in the person now owning the same, his heirs and assigns.

Lands taken to vest again in original owners.

Number of directors, and mode of election.

11. The number of directors of the said company shall be six, who shall be elected annually at a general meeting of the shareholders, to be held at the office of the company in the city of Toronto, on the second Wednesday in January in each year, three of whom shall form a quorum for the transaction of business; the first annual meeting shall be held on the second Wednesday in January, in the year of our Lord one thousand eight hundred and eighty-three, and the method of calling general meetings shall be determined and settled by by-laws of the directors.

CHAPTER 56.

An Act respecting the Midland Railway of Canada.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Midland Railway of Canada have, by their petition, prayed that they may be authorized to extend their railway to the city of Hamilton, and from thence to some point on the line of the Grand Trunk Railway of Canada, between the city of Brantford and the Niagara River, or to a point at or near the International Bridge opposite Buffalo; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension authorized.

1. The Midland Railway of Canada shall have power, and it is hereby authorized, to build and extend its railway from some point on the line of what is known as "The Toronto and Nipissing

Nipissing Railway," or from a point on the Grand Trunk Railway in the city of Toronto, to or near the city of Hamilton, and from thence to some point on the line of the Grand Trunk Railway of Canada, between Caledonia and the Niagara River, or to a point on the said Niagara River, at or near the International Bridge, opposite Buffalo, as may by the board of directors be deemed most expedient.

2. This extension may be built and treated and worked as a separate section of the said Midland Railway of Canada, and for the purpose of raising money to build and equip said section, a separate and sectional mortgage may be created thereon, separate from the other mortgages which may or do exist on the other sections of said railway, if such course is deemed expedient, and in that case separate accounts shall be kept, and the revenues of said section shall be applicable first to the payment of maintenance and working expenses, and the net revenue shall next be applicable to the payment of interest on the charges or mortgage debt on said section, and the surplus shall be applicable as on the other sections of the said company's line respectively, as may be provided in any Act passed in this present session relating to said company.

Extension may be treated as a separate railway.

3. All the powers and provisions of the Act known as "The Railway Act of Ontario" shall apply to the said extension, and the separate and sectional mortgage aforesaid may be created under the powers of said Act, and shall be binding upon all the company's undertaking and real property in said extension, and upon its rolling stock and equipment, then existing and at any time thereafter acquired, belonging to the said separate section, and the provisions of the Acts respecting chattel mortgages shall not apply thereto.

Railway Act to apply to extension.

4. The directors of the said Midland Railway of Canada may agree with any other company, lawfully authorized in that behalf, for running powers over any such other company's line or lines, or any part thereof, and for station accommodation, or they may grant to any other company running powers over the said extension or other portions of their line or lines, and may make working and traffic arrangements with any other company, authorized as aforesaid, for such periods and on such terms and conditions as the directors of the Midland Railway of Canada and the directors of such other company or companies may deem proper: Provided, however, that no such agreement shall be valid unless and until the same has been submitted to a general or special general meeting of the shareholders of the said the Midland Railway of Canada, and approved by a majority of two-thirds in value of shareholders present, in person or by proxy, voting at the said meeting.

Agreements with other companies.

Proviso.

CHAPTER 57.

An Act to incorporate the Mississippi Valley Railway Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the construction of a railway from a point in the village of Carleton Place to a point in the village of Lanark, both in the county of Lanark, thence to a point in the township of Oso, in the county of Frontenac, is desirable; and whereas the persons hereinafter named have, by their petition, prayed that they may be incorporated for the purpose of constructing such a railway, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Boyd Caldwell, David Munro, John F. Cram, A. G. Dobbie, William C. Caldwell, David Breckenridge, James Gillies, William Caldwell, William B. McArthur, and Thomas Greig, together with such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of "The Mississippi Valley Railway Company."

Location of line.

2. The said company shall have full power under this Act to construct, equip and operate a railway from a point in the village of Carleton Place to a point in the village of Lanark, thence to a point on the Kingston and Pembroke railway, in the township of Oso.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors;

4. Boyd Caldwell, David Munro, John F. Cram, A. G. Dobbie, William C. Caldwell, David Breckenridge, James Gillies, William Caldwell, William B. McArthur, and Thomas Greig, shall be and are hereby constituted provisional directors of the said company, of whom five shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Their powers.

5. The said board of provisional directors shall have full power to open stock-books, and procure subscriptions of stock for the undertaking, to make calls upon the subscribers, and collect the same, to cause surveys and plans to be executed, to enter into agreements for right of way, station grounds, terminal grounds and gravel pits, and to receive any grant, loan, bonus,

bonus, or gift, made to or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary directors, and the said directors, or the board of directors, to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion, or more than the whole stock shall have been subscribed, the said provisional directors (or board of elected directors) shall allocate and apportion it among the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking.

6. The capital stock of the company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares, of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of the said money shall be applied to the purchase of the right of way, to the making, equipment, completion and working of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipal corporation of any municipality on or near the line of such works, may by resolution, of which one week's previous notice shall have been given in a newspaper published in the county of which such municipality forms a part, and passed by a majority of the members of the council of said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of bonus or stock. Capital stock.

7. When and as soon as shares to the amount of thirty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank, having an office in the Province of Ontario, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette* and one weekly paper published in the county of Lanark, and by registered letter addressed to each subscriber, of the time, place, First election of directors.

place, and object of said meeting ; and at such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter described, which said directors, together with the *ex officio* directors, under the Municipal Act or this Act shall constitute a board of directors.

How meeting
may be called
if provisional
directors
neglect to call
same.

8. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five thousand dollars of the capital stock, and who have paid up all calls thereon ; notice of such general meeting shall be given in the manner prescribed in the next preceding section.

Place of meet-
ing.

9. In either case, such meeting shall be held in the said village of Lanark, at such place therein and on such day as may be named by such notice.

Annual
meeting.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, and on such days, and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper in the county of Lanark.

Special
meetings.

11. Special general meetings of the shareholders of the said company may be held at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Rights of
aliens.

12. Aliens and companies incorporated abroad as well as British subjects, and whether resident in the Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

Qualification
of directors.

13. In the election of directors under this Act no person shall be elected unless he shall be the owner and holder of at least ten shares of the stock of the said company, upon which all calls due thereon have been paid.

Quorum of
directors.

14. At all meetings of the board of elected directors, five directors shall form a quorum for the transaction of business,
and

and the said board of directors may employ one of their number as paid director.

15. The directors for the time being may from time to time Calls. make calls as they shall think fit, provided no calls shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder, and four weeks' notice shall be given of each call, as provided in section seven; said calls not to be made at closer intervals than three months.

16. Every shareholder of one or more shares of the said capital shall, at any general or special meeting of the shareholders of said company, be entitled to one vote for every share held by him. Votes.

17. It shall be lawful for the provisional or elected directors to accept payment in full for stock, from any subscriber thereof, at the time of the subscription thereof, or at any time before making any final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue scrip to such subscriber to the full amount of such stock subscribed. Payment of stock in full allowed.

18. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.

19. The said provisional directors, or the elected directors, may pay or agree to pay in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, buildings or lands, and also, subject to the sanction of a vote of the shareholders, for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payments in bonds or stock allowed in certain cases.

20. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus or gift, or may aid the said company by way of loan, or by the guarantee of the municipal corporation, Aid from municipalities.

Proviso.

corporation, under and subject to the provisions hereinafter contained : Provided always that such aid shall not be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Provisions as to bonus by-laws.

21. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely : (1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ; (2) in the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act ; (3) in the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under the Municipal Act as aforesaid ; (4) in the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration disputes as to bonus by-laws.

22. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities, or portions thereof comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final ; the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners

against

against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

23. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit for expenses.

24. Any municipality or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than two and one-half cents in the dollar upon the value of the ratable property therein. Rate not exceeding two and a half cents in the dollar valid.

25. Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law; (2) for assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively. By-law what to contain.

26. The term "minor municipality" shall be construed to mean any town not separated from the municipal township or incorporated village situate in the county municipality. "Minor municipality," meaning of.

27. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks from the date of such voting, the municipal council which submitted the same shall read the by-law a third time and pass the same. If by-law carried council to pass same;

28. Within one month after the passing of such by-law, the said council and reeve or other head thereof, and the other officers thereof, shall issue the debentures provided for and issue debentures.
by

by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Exemption
from taxation.

29. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law expressly passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Extension of
time for com-
pletion.

30. It shall and may be lawful for the council of any municipality that may grant a bonus to the company (and they shall have full power), to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus.

Extension of
time for com-
mencement.

31. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws, granting such aid from time to time: Provided that no such extension shall be for a longer period than one year.

Trustees of
debentures.

32. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee, within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

33. The said trustees shall receive the said debentures or Trusts of debentures. bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Mississippi Valley Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule A hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

34. The trustees shall be entitled to their reasonable fees Fees to trustees. and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

35. The corporation of any municipality through which the said railway may pass, is empowered to grant, by way of gift, to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any Government, or any person, or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company, and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality. Power to receive grants of land.

36. The directors of the said company, after the sanction of Issue of bonds. the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments

ments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed twelve thousand dollars per mile of the said railway: Provided further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges, and qualifications for directors, and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Bonds, &c.,
may be made
payable to
bearer.

37. All such bonds, debentures, and other securities and coupons, and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Power to be-
come parties
to promissory
notes, &c.

38. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or indorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Provido.

Form of con-
veyance.

39. Conveyances of land to the said company for the purposes of the said railway, under the powers given by this Act, made in the form set out in Schedule B hereto annexed, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry

registry law of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof.

40. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, &c., for construction and maintenance of railway.

41. When the said gravel, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situate, and such right of way may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing or maintaining the said railway;

Sidings to gravel pits, &c.

(2) When estimating the damages for the taking of gravel, sand, stone, or earth, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

42. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for the right of way for constructing, maintaining, and using said railway, and in case by purchasing the whole of any lot or parcel

Power to acquire more land than is required for use of railway.

parcel of land over which the railway is to run the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the required part only, the company may purchase, use, hold, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof from time to time as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Agreements
with other
companies.

43. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, duly authorized in that behalf, for the working of the said railway or any part thereof on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies, duly authorized, their railway or any portion thereof, or for the purchase of the same or any part thereof, or the use thereof, or for the purpose of acquiring running powers over any railway, or for leasing or hiring any locomotives, or other moveable property from such company or persons, and generally to make any agreements with any other company so duly authorized, touching the use by one or the other or by both companies of the railways or rolling stock, or either or both, or any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof: Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and provisions of this Act, and the company or companies entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with their own line, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Transfer of
shares.

44. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

Subscriptions
for stock when
not binding.

45. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount subscribed has been actually paid thereon within one month of the subscription.

46. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which, under the provisions of this Act, can be issued for the construction of the said railway and its branches, or any of them.

Power to mortgage bonds.

47. Sums paid into the bank in respect of calls upon capital stock shall not be withdrawn except for the purposes of this Act.

Application of sums paid into the bank for calls.

48. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, nor from making loans of money or credit, pursuant to the Railway Act or the Municipal Act.

Powers of municipalities as to taking stock, &c., not affected.

49. Any municipal council of a municipality which has given a bonus in aid of the said railway or its branches shall be entitled to appoint a person annually to be director for each ten thousand dollars given by way of bonus, and such person or persons shall be director or directors of the company, in addition to all the other directors authorized by this Act or the General Railway Act, or any other Act, but such municipality shall incur no liability by the appointment of such director.

Municipal directors.

50. For the purpose of constructing, working and protecting the telegraph lines constructed by the company, under this Act, on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph lines.

51. The said company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, silver, copper, iron, and other ores and metals, and for these purposes may acquire and hold by purchase, lease or legal title, such lands and mining rights in the counties of Lanark and Frontenac not at any time exceeding three thousand acres in superficies, and may construct and maintain such buildings, machinery, and other erections and improvements thereon or connected therewith as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit.

Power to acquire land for and to carry on mining operations.

52. The railway shall be commenced within two years and completed within six years after the passing of this Act.

Commencement and completion of railway.

53. The said company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway is to pass, together with the map or plan thereof,

Power to construct railway in sections of not less than ten miles.

thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the Railway Act of Ontario and amendments thereto, with respect to plans and surveys by sections or portions, less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the Railway Act, and the amendments thereof, applied to, included in, or incorporated with the Act incorporating the said railway company, and the amendments thereto, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act, and the amendments thereof, with respect to plans and surveys.

SCHEDULE A.

(Section 33.)

Chief Engineer's Certificate.

The Mississippi Valley Railway Company's Office, Engineer's Department.

No.

A.D. 188 .

Certificate to be attached to cheques drawn on the Mississippi Valley Railway Company's Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the forty-fifth year of Her Majesty's reign.

I, A. B., Chief Engineer for the Mississippi Valley Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the township of

or

or county of _____ (or under the agreement dated the
 day of _____ between the corporation of
 and the said company), to
 entitle the said company to receive from the said trust the
 sum of _____ [here set out the terms and conditions,
 if any, which have been fulfilled].

SCHEDULE B.

(Section 39.)

Know all men by these presents, that I (or we) [*insert the names of the vendors*] in consideration of
 dollars paid to me (or us) by the Mississippi Valley Railway
 Company, the receipt whereof is hereby acknowledged, do
 grant and convey, and I (or we) _____ in
 consideration of _____ dollars,
 paid to me (or us) by the said company, the receipt whereof
 is hereby acknowledged, do grant or release all that certain
 parcel (or those certain parcels, *as the case may be*) of land
 [*describe the land*], the same having been selected and laid out
 by the said company for the purposes of their railway, to hold
 with the appurtenances unto the said Mississippi Valley Rail-
 way Company, their successors and assigns [*here insert any
 other clauses, covenants or conditions required*], and I (or we)
 the wife (or wives) of the said _____ do hereby
 bar my (or our) dower in the said lands. As witness my (or
 our) hand and seal (or hands and seals) this _____ day
 of _____, A.D. 188 _____.
 Signed, sealed and delivered }
 in presence of _____ } [L.S.]

CHAPTER 58.

An Act to incorporate the Northern and North
 Western Junction Railway Company.

[Assented to 10th March, 1882.]

WHEREAS the construction of a railway from some point Preamble
 on the main line of the Hamilton and North Western
 Railway, in or near the village of Burlington to the city of
 Toronto, or to some point at or near the city of Toronto on the
 line of the Northern Railway Company of Canada, leading
 into that city, is desirable for the accommodation of the inhabi-
 tants of the cities of Hamilton and Toronto and of the section
 of

of country traversed by such railway as well as of the country lying to the south and south-west of the city of Hamilton, and certain persons have petitioned that an Act may pass to incorporate them and others for the purpose of constructing such railway; and it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. John Stuart, John Proctor, Edward Gurney, and Matthew Leggat, all of the city of Hamilton, and the Honourable Frank Smith, John Fiske, William Thomson, and Noah Barnhart, all of the city of Toronto, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared a body corporate and politic by the name of the Northern and North Western Junction Railway Company, hereinafter called the company; and the said several persons in this section mentioned shall be provisional directors of the said company.

Railway Act incorporated.

2. The several clauses of the Railway Act of Ontario shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Location of line.

3. The company shall have full power to construct a railway of the gauge of four feet eight and one-half inches from some point on the main line of the Hamilton and North Western Railway Company, in or near the village of Burlington, to some point within or near the city of Toronto, or to some point at or near that city on the line of the Northern Railway Company of Canada.

Capital stock.

4. The capital stock of the company shall be two hundred and fifty thousand dollars, in twenty-five hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised shall be applied, in the first place, to the payment of all expenses for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act; and it shall and may be lawful for the company, with the view of providing for the requirements of
the

the additional traffic and business, which may accrue to any company or companies making working agreements with the company, as hereinafter provided, to agree that a portion of such money, and of the money derived from the bonds by this Act authorized, may be expended in improving the railways of the Hamilton and North Western Railway Company and of the Northern Railway Company of Canada, or the other company or companies making such agreement, and in forming further connections and alterations thereof, and in increasing the terminal facilities and accommodations of those railways in Hamilton and Toronto respectively.

5. The provisional directors of the said company shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders; and it shall be lawful for the provisional directors for the time being of the company, or a majority of them present at a meeting called for the purpose, to supply the place or places of any of their number from time to time dying or declining or becoming incapable to act as such provisional directors, and to associate with themselves, at a meeting called for the purpose of deciding thereon, not more than five other persons, who shall thereupon become and be provisional directors of the company equally with themselves.

Provisional directors.

6. The said board of provisional directors shall have full power to open up stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors, as hereafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least two weeks' notice in the *Ontario Gazette*, and in one paper published in the city of Hamilton, and also in one paper published in the city of Toronto, of the time and place of meeting, to open such books and to receive such subscriptions, and the said committee, or a majority of them, may in their discretion exclude any person from subscribing.

Powers of provisional directors.

7. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the company shall have been subscribed, and ten thousand dollars shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least two weeks' notice in a paper published in the city of Hamilton, and also in one paper published in the city of Toronto, and in the *Ontario Gazette*, of the time,

First election of directors.

time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the company, in manner and qualified as hereinafter directed; which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

Allotment of stock.

8. It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts, and subject to the payment of such calls, of such amount, and at such times, and at such discount, as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription or by instalments, and the amount of every such instalment as and when payable shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section twenty-seven of the Railway Act of Ontario, and non-payment of any such instalment shall carry with it all the rights, incidents, and consequences as mentioned in the said Act as in the case of a call due by a shareholder on a share.

Annual meetings.

9. The general annual meeting of the shareholders of the company shall be held in such place in the city of Toronto or the city of Hamilton, and on such days, and at such hours as may be directed by the by-laws of the company, and notice thereof shall be sufficient, if the same be published once in the *Ontario Gazette* at least two weeks previous to the day of such meeting and once a week in one daily newspaper published in the city of Hamilton, or in the city of Toronto, as may be determined by the by-laws of the company, during the two weeks preceding the week in which such meeting is to be held.

Special general meetings.

10. Special general meetings of the shareholders of the company may be held at such places in the city of Toronto or the city of Hamilton, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section.

Qualification of directors.

11. In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up.

Rights of aliens.

12. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on

on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

13. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business. Quorum of directors.

14. It shall be lawful for the company to enter into any agreement with the Hamilton and North Western Railway Company and the Northern Railway Company of Canada, for leasing to them the said railway, or any part thereof, or for the use thereof by those companies during the continuance of the agreement between those two companies for the joint working of their railways, or for any longer or shorter period that may be agreed on; and it shall further be lawful for the company to enter into any agreements with the said two companies, or with those two companies jointly with the Grand Trunk Railway Company of Canada and the Canada Southern Railway Company, or either of them, or with the two last-named companies, or with either of them separately for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of their railway, or the use thereof, and generally to make any agreement or agreements with any of such companies, touching the use by one or the other, or by both companies of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred: Provided that every such lease or agreement shall first be sanctioned at a general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting; and provided further that the other company or companies, parties to any such agreement or agreements, are lawfully authorized to enter into the same. Agreements for lease of railway. Proviso.

15. It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other moveable property Agreements for use of rolling stock, etc.

property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Power to
amalgamate
with or lease
to other
companies.

16. It shall be lawful for the company to amalgamate with the Northern Railway Company of Canada, or with the Hamilton and North Western Railway Company, or with these companies jointly, or to lease or sell its line, property and rights to such companies, jointly or either of them, upon such terms and conditions as may be agreed on between the contracting companies, but subject always to the lien and charge of the bonds of the company authorized to be issued under the provisions of this Act: Provided that nothing herein contained shall be held to confer any authority upon any railway company, not within the legislative jurisdiction of Ontario, to amalgamate, lease or purchase as aforesaid, further than the Legislature of Ontario has power to confer the same.

Proviso.

Rights of
purchasing
company.

17. If the company should sell its line, property and rights to such railway companies, or either of them, then, upon the completion of such sale, the purchasing company shall be vested with all the rights, franchises, powers, privileges and property, and be liable for all the debts, duties and obligations of the company, and all proceedings of any nature then pending by or against the company, shall be continued by or against the purchasing company.

Rights and
liabilities of
amalgamated
company.

18. If the company amalgamate with such railway companies, or either of them, the amalgamated company shall be vested with all the rights, franchises, powers, privileges and property that the said companies entering into the amalgamation may have at the time of the amalgamation being made, by virtue of the several Acts relating to the said companies, and the amalgamated company shall be liable for all the debts, duties and obligations of the respective companies so amalgamating, and no proceeding of any nature, either by or against either of the said companies, shall be abated or discontinued by reason of the said amalgamation, but shall be continued to their natural and ordinary termination as if this Act had never been passed, and if any judgment be rendered therein, such judgment shall be binding upon and executory against the amalgamated company, or shall enure to the benefit thereof, as the case may be.

Sanction of
shareholders
and bond-
holders, etc.,

19. No amalgamation, sale or lease authorized by the three next preceding sections, or either of them, shall be valid or take effect until it shall have been submitted to, and received the

the approval of two-thirds in value of the shareholders present, or represented in person or by proxy, at a meeting duly called for the purpose. to amalgamation required.

20. The company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or indorsed by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Negotiable instruments. Provided however that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Proviso.

21. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land from any Government or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Grants of land to company.

22. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their roads and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company; and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. Right to use highways.

23. For the purpose of constructing, working, and protecting the telegraph lines to be constructed by the company Telegraph lines.

on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the company.

Exemption
from taxation.

24. It shall further be lawful for the council of any municipality in which any part of the said railway is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise, in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Power to
acquire whole
lots.

25. Whenever the company can obtain the whole of any lot or parcel of land over which the railway is to be carried, at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold and enjoy the whole of such lot or parcel of land, and may sell and convey the same, or any part thereof, from time to time as they may deem it expedient; but the compulsory clauses of the Railway Act shall not apply to this section.

Power to ac-
quire quarries
and gravel
pits, etc.

26. When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act of Ontario, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining of materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

27. When said gravel, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway; Sidings to gravel pits, etc.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply. Proviso.

28. The directors of the company, after the sanction of the shareholders shall have been first obtained at any annual general meeting, or any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; and the company may by by-law before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof, and the interest thereon, and other particulars in reference thereto: Issue of bonds. Provided however that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand pounds sterling and that the rate of interest thereon shall not exceed six per centum per annum; and provided also further that in the event at any time of the interest of the said bonds remaining unpaid and owing, then at the next ensuing general meeting of the company and at all subsequent general meetings so long as such interest or any part thereof shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, and for all purposes attached to shareholders: Proviso. Provided that the holder of any bond or bonds shall have at least three days before any such meeting produced the bond or bonds held by him to the

the secretary for registration in his name, or that in the case of the holder of any bond or bonds residing in Great Britain and Ireland, and having such bond or bonds in his custody or under his control, then such holder shall have at least three days before any such meeting produced to the secretary a certificate under the hand and official seal of a Notary Public stating the numbers of such bond or bonds, and that they had been produced before him by such holder, and in either of such cases it shall be the duty of the secretary to register the name of such holder and the numbers of the bonds held by him, but the failure or neglect of the secretary in that respect shall not affect the rights, privileges and qualifications of such holder or holders; any such bondholder shall be entitled to five votes for every bond of the amount of one hundred pounds sterling held by him, or in that proportion.

Power to limit
issue of bonds.

29. The amount of the bonds by this Act authorized may be limited and defined at any less sum than two hundred and fifty thousand pounds sterling, by by-law passed by the directors or provisional directors of the company and confirmed by the shareholders, and upon such by-law being so passed and confirmed, and a copy thereof published for two consecutive times in the *Ontario Gazette*, the amount of the issue of such bonds shall be limited to and shall not exceed the sum named in such by-law; but if the company shall thereafter enter into an agreement or agreements with some other company or companies under the powers in that behalf hereinbefore contained, by which provision is made for the payment of a clear annual sum of money, in excess of the sum required annually for payment of the interest on the amount of bonds so theretofore limited, and of all proper and necessary expenses, then the directors of the said company may pass a by-law or by-laws to increase the amount of bonds to be issued, but such increase shall be only to such amount or amounts as that the annual interest thereon shall not be greater than the amount of such clear annual excess above mentioned; and on any such by-law being so passed and confirmed by the shareholders, and a copy thereof published for two consecutive times in the *Ontario Gazette*, the amount of the issue of such bonds shall and may be extended to the sum named in such by-law or by-laws, so long as the amount does not in the whole exceed the sum of two hundred and fifty thousand pounds sterling, as provided in the next preceding section of this Act.

Bonds issued
under sec. 29
to shew
agreement
under which
issue is made.

30. The bonds which may be issued in pursuance of any such by-laws, as in the last preceding section mentioned, shall on their face declare the agreement or agreements, if any, on the security of which respectively they are issued, and the whole of the class or series of bonds issued in pursuance of any such by-law shall be, and be taken, and considered to be *pari passu* a first and preferential claim and charge upon the rent

rent or money in the nature of rent or other moneys, which may be payable to the company under the particular agreement or agreements, on the security of which such class or series of bonds is issued for the purpose of securing the payment of the interest on the bonds of such class or series during the term of such agreement, or during the currency of such bonds, whichever period may be the shorter.

31. The company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise. Power to mortgage bonds.

32. The railway shall be commenced within one year, and completed within three years after the passing of this Act. Time for construction.

33. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set out in the schedule A hereunder written, or the like effect, shall be sufficient conveyances to the company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof. Form of conveyance.

SCHEDULE A.

(Section 33.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendors*] in consideration of dollars paid to me (or us) by the Northern and North Western Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the names of any other party or parties*] in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those parcels, *as the case may be*) of land situate [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Northern and North Western Junction Railway Company, their successors and assigns, and I do hereby for myself, my heirs, executors, and administrators, covenant with the said company, their successors and assigns, that I have absolute

absolute right to convey the said lands to them as aforesaid [here insert any other clauses, covenants, or conditions required], and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and eighty
Signed, sealed and delivered } [L.S.]
in presence of }

CHAPTER 59.

An Act to amend and extend the Act to incorporate the Port Rowan and Lake Shore Railway Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Port Rowan and Lake Shore Railway Company have petitioned that an Act may be passed further to amend and extend the Act of incorporation of the said railway company, passed in the forty-third year of Her Majesty's reign, and chaptered fifty-nine, as amended and extended by an Act passed in the forty-fourth year of Her Majesty's reign, and chaptered seventy; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of railway and construction of branch authorized.

1. The said railway company is hereby authorized to extend the line of their railway from a point at or in the vicinity of the village of Port Dover, in the county of Norfolk, eastwards to a point at or near the village of Fort Erie, in the county of Welland; also to construct a branch line of railway from a point on the main line of their railway at or in the vicinity of the said village of Port Dover to a point at or near the city of Brantford, in the county of Brant, the said branch line passing either through or within one mile of the town of Simcoe and through or within a half a mile of the village of Waterford.

Provisions of former Acts to apply to extensions.

2. All the provisions of the former Acts respecting the said railway and the said railway company, except in so far as the same has been changed or is controlled by subsequent legislation, shall apply to the additional lines by this Act authorized to be constructed, and the time for completing the

the said extension to Fort Erie shall be five years from the passing of this Act, and the branch to the city of Brantford shall be commenced within one year and completed within two years from the passing of this Act.

3. George Watt and Alfred John Wilkes, of the city of Brantford, are hereby substituted for John McBride and Andrew Ball on the board of provisional directors of the said company, and Walter C. Hately, of the said city of Brantford, is hereby added as an additional member of the said board of directors.

New provis-
ional directors.

CHAPTER 60.

An Act to incorporate the Prescott and Glengarry Counties Junction Railway Company.

[Assented to 10th March, 1882.]

WHEREAS the persons hereinafter named have, by their Preamble. petition, represented that a branch line of railway to be constructed from the village of Hawkesbury through the village of Vankleek Hill to a point at or near Glen Robertson, on the line of the Canada Atlantic Railway, would afford to the lower section of the Ottawa Valley direct railway communication with the cities of Ottawa and Montreal, and would develop the resources of that portion of the Province of Ontario to be traversed by said railway, and would be a public convenience and accommodation to the inhabitants of said portion of said Province, and would also be of general benefit and advantage to said Province, and also that a branch railway from the said village of Vankleek Hill to the Caledonia Springs would be advantageous, and have prayed to be incorporated as a company for the purpose of constructing such railway and branch; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honourable John Hamilton, Senator, the Honour- Incorporation.
able D. A. Macdonald, Donald Macmaster, M.P.P., William G. Perley, John R. Booth, McLeod Stewart, Malcolm McCuaig, James Boyd, John Robertson, John R. McLaurin, William Higginson, D. McIntosh, John W. Higginson, William Robertson, Archibald McNab, Duncan A. McDonald, William Fraser, Malcolm R. McCuaig, Albert Kimble, Donald McLeod and John Mode, together with all such persons and corporations

as

as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the "Prescott and Glengarry Counties Junction Railway."

Form of
conveyances.

2. Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set out in the Schedule A hereto annexed, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof.

Location of
line.

3. The said company may lay out, construct and finish a double or single iron railway from the River Ottawa, at or near the village of Hawkesbury, through the village of Vankleek Hill, to a point at or near Glen Robertson, on the line of the Canada Atlantic Railway, and shall also have full power under this Act to construct, maintain and operate a branch railway from the said village of Vankleek Hill to the Caledonia Springs, with full power to pass over any portion of the country between the points aforesaid.

Gauge

4. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional
directors and
their powers.

5. The Honourable John Hamilton, the Honourable D. A. Macdonald, Donald Macmaster, William G. Perley, John R. Booth, McLeod Stewart, Malcolm McCuaig, John Robertson, John R. McLaurin, William Robertson, Duncan A. McDonald, James Boyd, and Donald McLeod shall be the provisional directors of the company, and such provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land and construction and equipment of the said railway, and with all such other powers as under the Railway Act of Ontario, and any other law in force in Ontario, are vested in such boards.

6. The capital of the company hereby incorporated shall be Capital. five hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into five thousand shares, of one hundred dollars each, which amount shall be raised by the persons and corporations who may become shareholders in the said company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied towards making, completing and maintaining the said railway and other purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, city, town, township, or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

7. The said company may receive from any Government, Aid to com- or from any persons or bodies corporate, municipal or politic, pany. who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

8. On the subscription for shares of the said capital stock, Payment on each subscriber shall pay ten per centum of the amount sub- subscription. scribed by him into some chartered bank, having an office in the Province of Ontario, to be designated by the directors, to the credit of the said company.

9. Thereafter calls may be made by the directors for the Calls. time being as they shall see fit: Provided that no call shall be made at any time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than three months, and thirty days' notice shall be given of each call as provided in section thirteen.

10. The said provisional directors or elected directors may Payments pay or agree to pay in paid-up stock or in the bonds of the which may be said company, such sums as they may deem expedient, made in stock to engineers or contractors, or for right of way, or material or bonds. or plant, or rolling stock, and also, subject to the sanction of a vote of the shareholders, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, material, plant, or rolling

rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

First general meeting.

11. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the city of Ottawa, and which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors.

Provision in case directors neglect to call meeting.

12. In case the provisional directors shall neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five thousand dollars of the capital stock, and who have paid up all calls thereon.

Notice of meeting.

13. In either case, notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette* and in one newspaper published in each of the counties affected once in each week, for the space of at least four weeks, and such meeting shall be held at the city of Ottawa aforesaid, at such place therein, and on such day as may be named in such notice. At such general meeting, the subscribers for such capital stock assembled, who shall have so paid ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meetings.

14. Thereafter, on the last Tuesday of May in each and every year, the general meeting of the shareholders of the said company shall be held at the principal office of the company at the said city of Ottawa, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in each of the counties from which a bonus has been received.

Special general meetings.

15. Special general meetings of the shareholders of the said company may be held at such places, at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

16. Every shareholder of one or more shares shall at any general meeting of the shareholders be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid at least one week before the day appointed for such meeting. Votes.

17. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon. Qualification of directors.

18. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors. Quorum.

19. Any municipal council of a municipality which has given a bonus in aid of such railway shall be entitled, during the construction of the railway, but not afterwards, to appoint a person annually to be a director of the company, and such person shall be a director of the company in addition to all the other directors authorized by this Act, or by the General Railway or any other Act; but such municipality shall incur no liability by the appointment of such director. Municipal directors.

20. The reeve or other chief municipal officer of any municipality or parish holding not less than five shares in the stock of the company, shall be eligible to the office of director. Qualification of municipal directors.

21. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in said company. Rights of aliens.

22. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from municipalities.

23.

Provisions as
to bonus
by-laws.

23. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: (1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters; (2) in the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act; (3) in the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid; (4) in the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for
referring to
arbitration
disputes as to
bonus by-laws.

24. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities, or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground, ought not to be included therein; and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Deposit for
expenses.

25. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

26. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

"Minor municipality," meaning of.

27. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Rate not exceeding three cents in the dollar valid.

Proviso.

28. Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law; (2) for assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality, defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

By-law, what to contain.

29. In case the by-law submitted be approved and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

If by-law carried, council to pass the same;

30. Within one month after the passing of such by-law, the said council and reeve or other head thereof, and the other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

And issue debentures.

31. In case any such loan, guarantee, stock subscription or bonus, be so granted by a portion of the township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Rate to be levied on part of municipality only.

32. The provisions of the "Municipal Act," and the amendments thereto, so far as the same are not inconsistent with this Act,

Municipal Act to apply to by-laws.

Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Exemption
from taxation.

33. It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Extension of
time by munici-
pality.

34. It shall and may be lawful for the council of any municipality that may grant, or that may have granted, a bonus to the company (and they shall have full power), to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

Municipalities
may authorize
the company
to make their
road on high-
ways.

35. Any municipality through which the said railway passes, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Extension of
time for com-
mencement.

36. The councils for all corporations that, or any portion of which, have heretofore granted or may hereafter grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided that no such extension shall be for a longer period than one year.

Trustees of
debentures.

37. Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor

tenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place, at any time, by the Lieutenant-Governor in Council; and in case any trustee dies, or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. Proviso.

38. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

39. The said trustees shall receive the said debentures or bonds in trust: firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale, in some chartered bank having an office in the Province of Ontario, in the name of the "Prescott and Glengarry Counties Junction Railway Company's Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in the Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor. Trusts of debentures.

40. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures. County may exchange their debentures for township debentures issued in aid of railway.

Grants of land
may be made
by municipi-
palities.

41. Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway.

Issue of bonds.

42. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipment then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid: Provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided further that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof; all such bonds, debentures, mortgages and other securities and coupons, and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such bonds, debentures, or other securities so made payable to bearer, may sue at law thereon in his own name.

Proviso.

Proviso.

Negotiable
instruments.

43. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or indorsed by the president or vice-president of the company, and countersigned by the treasurer and secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer be individually responsible

sible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. Proviso.

44. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of the Railway Act of Ontario shall not apply to this section. Power to purchase whole lots in certain cases.

45. When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act of Ontario, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining of materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Power to acquire quarries and gravel pits, etc.

46. When said gravel, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of this Act, except such as relate to filing plans and publication of notice, shall apply and Sidings to gravel pits, etc.

may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

Proviso. (2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Snow fences. 47. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Telegraph lines.

48. For the purpose of constructing, working and protecting the telegraph lines constructed by the company, under this Act, on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Arrangements with Canada Atlantic railway.

49. The directors of the said company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with the Canada Atlantic Railway Company, if lawfully authorized to enter into such an agreement, for the purpose of making any branch or branches to facilitate a connection with the railway of the said company.

Assignment of railway to Canada Atlantic railway authorized.

50. The said company are also hereby authorized and empowered to contract and agree with the said Canada Atlantic Railway Company, if lawfully authorized in that behalf, to assign, transfer or lease to that company their railway and branch, or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery or other effects belonging thereto, upon such terms and conditions and for any period that may be agreed upon, and with such restrictions as the directors may deem expedient; or the said Canada Atlantic Railway Company, if lawfully authorized, may agree to loan its credit to, or may subscribe to and become the owner of the whole or part of the stock

stock of the railway company hereby incorporated, in like manner and with the like rights as individuals: Provided that any such assignment, transfer, lease or arrangement shall have been sanctioned by the majority in value of votes of the members of a special meeting of the shareholders, present in person or by proxy, called for the purpose of considering the same, on due notice given as provided by the Railway Act. Proviso.

51. The railway shall be commenced within two years and completed within four years, or else the charter shall be forfeited as regards so much of the railway as is not completed. Commence-
ment and com-
pletion.

SCHEDULE A.

(Section 2.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (or us) by the "Prescott and Glengarry Counties Junction Railway Company," the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert name of any other party or parties*] in consideration of

paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*), of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said "Prescott and Glengarry Counties Junction Railway Company," their successors and assigns [*here insert any other clauses, conditions and covenants required*], and I (or we), wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.
As witness my (or our) hand and seal (or hands and seals) this
day of one thousand eight hundred

and eighty

Signed, sealed and delivered }
in presence of }

[L.S.]

SCHEDULE B.

(Section 39.)

Chief Engineer's Certificate.

Prescott and Glengarry Counties Junction Railway Company's
Office, Engineer's Department.

No.

A.D 188 .

Certificate to be attached to cheques drawn on the Prescott
and

and Glengarry Counties Junction Railway Company Municipal Trust Account, given under section _____ of chapter _____ of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, _____ Chief Engineer for the Prescott and Glengarry Counties Junction Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number _____ of the _____ of _____ (or under the agreement dated the _____ day of _____ between the corporation of _____ and the said company), to entitle the said company to receive from the said trust the sum of _____ [here set out the terms and conditions, if any, that have been fulfilled].

CHAPTER 61.

An Act respecting the Prince Edward County Railway Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Prince Edward County Railway Company have petitioned the Legislature for certain amendments to their Act of incorporation passed in the thirty-sixth year of Her Majesty's reign, chaptered seventy-three; and the several Acts amending the said Act of incorporation passed in the thirty-seventh year of Her Majesty's reign, and chaptered sixty; in the forty-first year of Her Majesty's reign, and chaptered fifty-one; in the forty-third year of Her Majesty's reign, and chaptered sixty-one; and in the forty-fourth year of Her Majesty's reign, and chaptered seventy-two; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name of company changed.

1. The name of the company is hereby changed from the Prince Edward County Railway Company to "The Central Ontario Railway;" and from the passing of this Act the company shall be known and called by said last mentioned name. All suits now pending by or against the company shall, notwithstanding such change, be carried on against or by the company to judgment and execution in the name of the Prince Edward County Railway Company, and the company in all such cases, may have, and shall be subject to, such execution in the same manuer and to the same extent as if no such

such change had been made. All contracts, mortgages, bonds, deeds and claims whatsoever, in favour of or against the company, made in the name of the Prince Edward County Railway Company shall in all respects whatsoever stand, be binding, and may be enforced by or against the company in and under the name of "The Central Ontario Railway," to the same extent, and by the same means, as if no such change of name had been made.

2. A quorum of the directors of said railway company shall hereafter consist of a majority of the members of the board. Quorum of directors.

3. The said railway company shall have full power and authority to lay out, construct and maintain a branch railway from any convenient point on the present line in or near the village of Wellington to West Point, in the township of Hallowell, traversing the Sand Banks' Beach between West Lake and Lake Ontario. Power to build a branch line.

4. It shall be lawful for the said company to construct docks and elevators at Weller's Bay, in any convenient location, for the shipment of ore, grain and other merchandise or materials; and for the receipt of coal and other articles, and to establish a tariff of tolls or charges for the use of such docks and elevators, which may be separate and distinct from charges for conveyance of any of the above articles over the railway of the said company; or the said company may lease the said docks or elevators, when built, to any individuals or corporations for a term of years, with the right to renew, alter or extend such leases; or the said company may contract with individuals or corporations for the construction of such docks and elevators, or either of them, upon such terms as may be agreed to by the parties. Power to build docks and elevators.

5. It shall be lawful for the said company to extend their line of railway to any parts of the townships of Tudor, Lake, Wollaston and Limerick, in the county of Hastings. Extension of railway authorized.

6. It shall be lawful for said railway company to increase the bonded indebtedness thereof to a sum not exceeding twenty thousand dollars per mile of the line completed or actually under construction, and the limitations as to the amount of bonds that may be issued, contained in section sixteen of the Act of incorporation of said railway company, being chapter seventy-three of the Act passed in the thirty-sixth year of Her Majesty's reign, and in section two of chapter sixty of the Act passed in the thirty-seventh year of Her Majesty's reign, and in section three of chapter seventy-two of the Act passed in the forty-fourth year of Her Majesty's reign, are hereby repealed; but such increase shall not be made until the consent of a majority of the shareholders, at a special or regular general meeting, shall have been first obtained; the proceeds of such bonds Power to increase bonded debt. Limitations in 36 Vic., c. 73, s. 16, 37 Vic., c. 60, s. 2, and 44 Vic., c. 72, s. 3, repealed.

bonds shall be applied to the construction of new road, the purchase of rolling stock and engines, the construction of shops, docks and elevators, the purchase of machinery, and other legal purposes of the company ;

(2) The shareholders of the said railway company, at a special general meeting to be called for the purpose, may decide by vote of a majority thereof, that the bonds to be issued shall cover the whole line of railway and all its property, or they may divide the road and its various branches into two or more sections for bonding purposes, and in case such division is determined upon the section which it is intended that bonds hereafter to be issued shall cover, shall be clearly stated and designated in the bonds, but nothing shall be done under the foregoing provisions which shall impair the security of the present holders of bonds of the said railway on the portion of road now constructed ;

(3) The shareholders at said special general meeting may also decide, in case they divide the railway into sections, the amount per mile that may be issued on each section, but such amount shall in no case exceed twenty thousand dollars ;

(4) The provisions of sections fifteen and seventeen of chapter seventy-three of the Acts passed in the thirty-sixth year of Her Majesty's reign, as to the rights and security of the bondholders, and the form of bonds and other obligations, shall apply to all bonds that may be issued under the terms of this Act, in so far as they are not inconsistent therewith.

Power to
create
mortgage.

7. The company may, instead of availing themselves of the provisions above contained, issue bonds and create a mortgage under the provisions of sub-section eleven of section nine of the Railway Act of Ontario, the said issue not to exceed in all the amount contemplated by the above sections, and the company may exchange the new issue with the holders of the bonds now outstanding for said outstanding bonds on such terms as may be agreed upon: Provided however that this section of this Act shall not take effect until the consent in writing of the holders of the bonds now outstanding shall have been first obtained and filed in the office of the Provincial Secretary for Ontario, at Toronto; and provided further the said mortgage shall not be made until the same shall have been authorized by a majority in value of the shareholders of the company at a special general meeting called to consider the matter. The said section nine of the said Railway Act of Ontario is hereby made applicable to the said company, but nothing shall be done under the foregoing provisions of this section which shall impair the security of the present holders of bonds of the said railway on the portion of road now constructed.

44 Vic., c. 72,
s. 3, repealed.

8. Section three of chapter seventy-two of the Act passed in the forty-fourth year of Her Majesty's reign is hereby repealed.

9.

9. It shall be lawful for the said railway company upon their own property, and principally from and out of the ores obtained along their line of railway, to manufacture iron and steel for their own use and for sale; and for that purpose it shall be lawful for the said company to erect furnaces and mills, and provide the requisite machinery and tools therefor.

Power to manufacture iron and steel.

10. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act of Ontario and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining of materials aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to acquire quarries and gravel pits, etc.

11. When said gravel, stone or other material shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing or maintaining said railway;

Sidings to gravel pits, etc.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Exercise by
company of
powers con-
tained in R. S.
O., c. 165, s. 11.

12. Section eleven of the Railway Act of Ontario is hereby made to apply to any lands that may be needed by the said railway company between the southerly limits of the town of Trenton and any part of Weller's Bay, and the powers conferred by the said section of the Railway Act may be exercised by the said railway company at any time that they may find the acquirement of additional land, between the above stated limits, necessary for the transaction of their business, either to widen their right of way, increase their station grounds, or establish new stations or sidings.

Power to
acquire mining
properties.

13. The said railway company may acquire, by purchase or gift, any mines or mining properties or partial interests in the same, in the county of Hastings or convenient to the authorized line of said railway, and may develop or operate the same, either wholly or in conjunction with other corporations or individuals, as shall appear desirable; but the purchase of such properties or interests shall only be made with the approval and consent of the shareholders of said company, obtained at a regular or special general meeting, and only from surplus funds of the said company which may accrue from the sale of authorized securities or from the net earnings of the said railway company.

Power to build
railway in five
mile sections.

14. The said railway company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clause of the Railway Act of Ontario, and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act, and the amendments thereof, applied to, included in or incorporated with the Act of incorporation of the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act, and the amendments thereof, with respect to "plans and surveys."

15. It shall be lawful for the said railway company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair, steam or other vessels, from time to time, to ply on lakes, rivers and canals of this Province in connection with the said railway, and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Power to purchase and work vessels.

16. The said railway company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect or maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established, in the manner provided by law in respect of such railway to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Snow fences.

Proviso.

17. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals, for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds, or in paid-up stock: Provided that no such contract shall be of any force or validity until approved of by a majority of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Power to contract for construction or equipment of railway.

18. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, shops, docks, or gravel pits for constructing, maintaining or using the said railway; and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the said company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only; the said company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Power to purchase whole lots.

19. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the said railway company on their line of railway, the powers conferred on telegraph companies by the Acts respecting electric telegraph companies are hereby conferred upon said company, and the other provisions of the said Acts for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by said company.

Telegraph lines.

Grants of land
from municipi-
palities.

20. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for the right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land from any Government, or any person or body politic or corporate.

Exemption
from taxation.

21. It shall further be lawful for the corporation of any municipality in or through any part of which the railway of the company passes, or is situate, by by-law, specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years, not exceeding twenty-one years, as such municipal corporation may deem expedient; and any such by-law shall not be repealed unless in conformity with any condition contained in such by-law.

CHAPTER 62.

An Act amending the Act incorporating the St. Catharines and Niagara Central Railway Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the St. Catharines and Niagara Central Railway Company have, by their petition, prayed for an extension of the powers conferred upon them by their Act of incorporation, and for certain amendments thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of
line author-
ized.

1. The said St. Catharines and Niagara Central Railway Company shall have full power and authority to extend their branch line from a point in or near the city of Hamilton to a point in or near the city of Toronto, and to the village of Victoria in the county of Welland, or some other point on the Niagara River.

Provisions of
Acts relating
to company to

2. All the clauses and provisions contained in the Act incorporating the said St. Catharines and Niagara Central Railway

Railway Company, and the several powers and authorities apply to extension. conferred upon such company by such Act, except in so far as the same has been changed or is controlled by subsequent legislation, and the several clauses of the General Railway Act, as far as applicable, shall apply to the extended powers conferred hereby; and the extensions of lines hereby authorized shall be commenced within three years and completed within five years from the passage of this Act.

3. In case of any municipality taking stock in the said company, there shall be a vote at all general meetings for each share so taken, to the extent of three hundred shares and no more. Votes on stock held by municipalities.

4. The said company may enter into any arrangement Power to lease. with any other railway company or companies which is or are lawfully empowered to enter into such an agreement for the leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements with any other companies so lawfully authorized touching the use by one or the other, or by both companies, of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof: Proviso. Provided that the assent of at least two-thirds in value of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company, and the company or companies leasing or entering into such agreement for using the said railway may, and are hereby authorized to, work the said railway in the same manner as if incorporated with its own line.

5. It shall be lawful for the company to enter into an agreement with any bridge company, now or hereafter incorporated, owning a railway bridge, such last mentioned company being thereunto lawfully authorized, for the use of any such bridge, its machinery and fixtures, for the purposes of the railway company as they may require, or touching any service to be rendered by the said bridge company to the said railway company and the compensation therefor; and the railway company may acquire and hold the shares in the capital stock of the said bridge company in the same manner, and with the rights and liabilities of any individual shareholder, and any such agreement, in so far as it deals with matters within the jurisdiction of the legislature of Ontario, shall be binding upon the parties thereto. Agreement with bridge company authorized.

CHAPTER 63.

An Act to amend the Acts relating to the St. Catharines Street Railway Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the St. Catharines Street Railway Company (Limited) have, by their petition, prayed for an Act to amend their Act of incorporation, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name
changed.

1. The name of the company is hereby changed from "The St. Catharines Street Railway Company" to "The St. Catharines, Merritton and Thorold Street Railway Company," and from the passing of this Act the company shall be known and called by said last mentioned name, and all suits now pending by or against the company shall, notwithstanding such change, be carried on against or by the company to judgment and execution in the name of the St. Catharines Street Railway Company; and the St. Catharines, Merritton and Thorold Street Railway Company, in all such cases, may have, and shall be subject to, such execution in the same manner and to the same extent as if no such change had been made. All contracts, mortgages, bonds, deeds and claims whatsoever, in favour of or against the company, made in the name of the St. Catharines Street Railway Company, shall in all respects whatsoever stand, be binding, and may be enforced by or against the Company in and under the name of the St. Catharines, Merritton and Thorold Street Railway Company, to the same extent and by the same means as if no such change of name had been made.

38 Vic., c. 63,
s. 5. amended.

2. Section five of the Act of the Legislative Assembly of the Province, passed in the thirty-eighth year of Her Majesty's reign, chapter sixty-three, is hereby amended by striking out the word "seven" in the first line of said section, and inserting the word "three" in lieu thereof.

Sec. 8
amended.

3. Section eight of the said Act is hereby amended by inserting after the words "over the railway or any part thereof," the words "and the rates to be charged for the carrying and transportation of goods, parcels, and freight packages," and by striking out the word "six," in the seventeenth line of said section, and inserting the word "five" in place thereof; (2) by inserting after the words "for all distances over three miles" the words "and for a continuous trip from any point to either terminus

terminus with a right to return upon the same day, not more than fifteen cents," and by adding the following words to said section eight: "Provided also, that the fares shall be so arranged as to apply equally and ratably to every part of the road, and that in no case shall the rate or fare charged in respect of one portion of the road exceed the rate charged in respect of any other portion, nor shall the rate for travelling in one direction exceed the rate for the other direction; and provided further, that in case the council of the said city of St. Catharines desire, they can appoint the mayor of the said city to appear whenever the directors of the said company make any by-law fixing the rates to be charged for the transportation of goods, parcels and freight packages as aforesaid; but in such case the majority of votes at said meeting to be binding, and this proviso is not to give the said city any further or other rights to appear on or take part in the by-laws to be made under this section."

4. Section ten of the said Act is amended by adding thereto the following words: "Provided that the company shall have its offices and principal stables and other buildings in the city of St. Catharines, and they shall not be removed therefrom without the sanction of the council of the said city expressed in a by-law thereof duly passed." Sec. 10 amended.

5. Section fifteen of the said Act is hereby amended by striking out the words "agreement or covenants," and inserting in lieu thereof "agreements or covenants from time to time," and inserting after the words "and the time for completion" the words "the rate of fare to be taken by the said company, and the rates to be charged for the transportation and carrying of goods, parcels and freight packages, the location of the offices, stables and other buildings of the said company, the stipulations for the cessation of the powers and privileges of the company, in case of non-compliance with any such agreements." Sec. 15 amended.

6. Section fourteen of the said Act is hereby repealed, and the directors of the company are hereby authorized from time to time to make and issue bonds of the company to the total extent of thirty-five thousand dollars, including the present issue of bonds, such bonds to be in the sums of not less than one hundred dollars, and on such terms and credit as they may think proper, which said bonds shall be taken and considered to be the first preferential claim and charge upon the said undertaking and real property of the company, including the rolling stock and equipments now existing, and at any time hereafter acquired, subject always to the lien of any unpaid vendor in respect of any of said property, and each holder of the said bonds so issued, and to be issued, as hereinbefore provided, shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the Sec. 14 repealed.—Issue of bonds.

Proviso.

the other holders thereof upon the undertaking and property of the company as aforesaid: Provided always that the consent of three-fourths in value of the stockholders of the company, present or represented by proxy at said meeting, shall be first had and obtained at a special meeting to be called and held for either or both of the purposes aforesaid.

CHAPTER 64.

An Act to amend the Acts respecting the St. Mary's, Credit Valley, and Huron Railway Company.

[Assented to 10th March, 1882.]

Preamble

WHEREAS a petition has been presented praying for an Act to amend the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chapter seventy-four, and the Act amending the said Act, passed in the forty-third year of the reign of Her said Majesty, chapter sixty-two, incorporating the St. Mary's, Credit Valley, and Huron Railway Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for construction of the different parts of the railway.

1. The said railway between the town of Woodstock and the town of St. Mary's shall be commenced within two years, and completed within five years after the passing of this Act; and that portion between the town of St. Mary's and the point on Lake Huron which may be selected, shall be commenced within three years and completed within five years after the passing of this Act.

36 Vic., c. 74, sec. 21, amended.

2. Section twenty-one of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered seventy-four, is amended by striking out the words, "in case thirty persons rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act, in any portion of the municipality," and substituting the words, "in case fifty persons rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act, in any municipality, do petition the council of such municipality to pass a by-law of such municipality, as hereinafter set out; or in case fifty persons rated on the last revised assessment roll as freeholders, who may be qualified voters under the Municipal Act, in any portion of the municipality."

3. Sub-sections one and two of said section twenty-one of the said Act are hereby repealed, and the following sub-sections substituted in lieu thereof:—

Sec. 21, sub-secs. 1 and 2, repealed and new sub-sections substituted.

(1) For raising the amount so petitioned for by such freeholders in such municipality, or portion of a municipality, or such reeves or deputy reeves in such portion of the municipality by the issue of bonds or of debentures of the municipality, or portion of the municipality, payable either by annual instalments or by way of a sinking fund, at the end of the term of twenty years, as the council of such municipality may determine, and for the delivery to the trustees of the bonds or debentures for the amount of said bonus, at the times and on the terms specified ;

(2) For assessing and levying upon all the ratable property lying within the municipality, or section of municipality, defined by said petition, an annual special rate, sufficient to pay the yearly instalment, and the interest, where such bonds or debentures are payable by instalment, or sufficient to include a sinking fund for the payment of the bonds or debentures, with interest thereon, where such bonds or debentures are payable by way of a sinking fund, such interest to be payable yearly or half-yearly, which bonds or debentures the municipal councils and the mayors, wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively ; and the provisions of the Municipal Act and of this Act shall apply to any bonus so granted or by-law so passed, by or for a municipality, or for any portion of a municipality.

CHAPTER 65.

An Act to amend the Act incorporating the Saugeen Valley Railway Company.

[Assented to 10th March, 1882.]

WHEREAS the Saugeen Valley Railway Company and Preamble. others have, by their petition, prayed for an Act amending the Act incorporating their said company, being the Act passed in the forty-first year of Her Majesty's reign, chaptered fifty-two, so as to extend the time for the completion of said railway, and for the grant to such company of the powers and privileges hereinafter mentioned, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Time
extended.

1. The time for the completion of the said railway is hereby extended for the period of five years from the time now limited for the completion thereof by the said Act of incorporation.

Construction
of additional
line autho-
rized.

2. The company are hereby empowered and authorized to construct, equip and operate a line of railway from a point at or near the town of Walkerton, in the county of Bruce, by such route as may seem expedient, to a convenient point on the line of the Grand Trunk, Georgian Bay and Lake Erie Railway, at, or near Hanover or Carlsruhe.

Construction
of branch line.

3. The company are also hereby empowered and authorized to extend, construct, equip and operate a branch of such railway from the town of Walkerton, by such route as may seem expedient, to the shore of Lake Huron, at or near Kincardine via Inverhuron, if found expedient.

Powers.

4. The company shall, for the purposes mentioned in the second and third sections of this Act, have and exercise all the powers and privileges conferred by their said Act of incorporation, except in so far as the same has been changed or is controlled by subsequent legislation, and the Railway Act of Ontario and the several clauses of the Railway Act of Ontario with respect to "interpretation," "powers," "plans and surveys," "lands and their valuation," except where otherwise herein provided, shall be deemed to be part of this Act, and shall apply to the said company and to the extensions and branches authorized by the second and third sections hereof, as if expressly incorporated in this Act.

41 Vic., c. 52,
ss. 45 and 46,
amended.

5. Sections forty-five and forty-six of the said Act passed in the forty-first year of Her Majesty's reign, chaptered fifty-two, are hereby amended, by striking out the words "The Toronto, Grey and Bruce," wheresoever those words occur in such sections, and by inserting in lieu thereof the word "any."

41 Vic., c. 52,
s. 33, amended.

6. Section thirty-three of said Act of incorporation is hereby amended by adding thereto the following words: "Provided that it shall and may be lawful for the company to enter into an agreement under the seal of said company and the hand of its president with any municipality granting aid by way of bonus to said company, either before, at the time of, or after the submission of the by-law of such municipality granting such aid, that such debentures shall not be handed over to the trustees as required by said section thirty, until six thousand dollars per mile, or such other sum as the said company and such municipality may agree upon as sufficient to secure the building and completion of the said railway, has been granted by the municipalities interested."

7. The head of each municipality granting a bonus in aid of said company to the extent of ten thousand dollars shall *ex officio* be a director of said company; such municipal directors to be in addition to the number of directors authorized by the Act of incorporation of said company, and to have and exercise all the powers of directors elected by the shareholders.

8. In the construction of this Act and of the said Act of incorporation, the words "the company" shall mean the Saugueen Valley Railway Company.

CHAPTER 66.

An Act to incorporate the Toronto, High Park and Western Tramway Company (Limited).

[Assented to 10th March, 1882.]

WHEREAS Joseph Davidson, Frank Baby, William Andrew Grant, James Saurin McMurray, Richard West, George J. St. Leger, Jacob Paul Clark and others have petitioned that an Act may be passed incorporating them under the name of "The Toronto, High Park and Western Tramway Company (Limited)," and authorizing the construction, operation and maintenance of a tramway from some point on the west limit of the city of Toronto, in the county of York, through the village of Brockton to High Park, and to the villages of Lambton and Carlton, with power to extend the same to a point near Cooksville, in the county of Peel, and to the village of Weston, in the county of York, and to the property of the proposed "Ontario Stock Yards and Abattoir Company (Limited)," being portions of lots thirty-nine and forty in the second concession from the bay in the township of York, in the said county of York; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Joseph Davidson, Frank Baby, William Andrew Grant, James Saurin McMurray, Richard West, George J. St. Leger and Jacob Paul Clark, and such other persons and corporations as shall, in pursuance of this Act, become shareholders, are hereby constituted a body corporate and politic by the name of "The Toronto, High Park and Western Tramway Company (Limited)."

Location of
line.

2. The said company shall have full power under this Act to construct a tramway from some point on the west limit of the city of Toronto, in the county of York, through the village of Brockton to High Park, and to the villages of Lambton and Carlton, with power to extend the same to a point near Cooksville, in the county of Peel, and to the village of Weston, in the county of York, and to the property of the proposed "Ontario Stock Yards and Abattoir Company (Limited)," being portions of lots thirty-nine and forty in the second concession from the bay in the township of York.

Railway Act
incorporated
with this Act.

3. The Railway Act of Ontario, chaptered one hundred and sixty-five of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity, and fines and penalties and their prosecution" are incorporated with and form part of this Act, and shall apply to the said company and the tramway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall include the clauses of the said Railway Act of Ontario so incorporated with this Act.

Powers of
company.

4. The said company shall have full power under this Act to construct, maintain, complete and operate a tramway, with the necessary side tracks and turn-outs for the passage of carriages and other vehicles adapted to the same, upon and along such portions of the streets and highways of the townships of York, Etobicoke and Toronto, and also along the streets and highways of the villages of Brockton and Weston, and along and over any private property in the said municipalities of York, Etobicoke and Toronto, under and subject, as to such streets and highways, to any agreement hereafter to be made between the company and the said municipalities respectively, or of any of them, and under and subject to the terms, conditions and restrictions contained in any by-law or by-laws of the council or councils of the said municipalities passed in pursuance thereof, and to take, transport and carry passengers, freight, express and mail matter upon the same, by the force of horse power, or such other motive power, except steam, as may be adopted by the board of directors from time to time, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith: Provided always that the said company shall not have the right in case the said tramway is constructed upon and along any street or highway to use any motive power other than horse power, (but in no case shall steam power be used), unless the municipal

Proviso.

council

council of the municipality through which such street or highway runs, first passes a by-law authorizing and permitting such use; and provided further that in addition to the agreement Proviso. and by-laws of the municipalities above mentioned, the said company shall not have the right to lay its tramway along or upon any of the said streets and highways, unless and until the councils of the counties of York and Peel respectively by by-law authorize the said company so to do.

5. The gauge of the said tramway shall be four feet eight Gauge. and one half inches, and the rail used thereon shall be the flat tram or plate rail, with flange on one edge, and the bed of the rail beyond the flange not less than four inches wide, or such other shape as may be agreed upon between the said company and the several municipalities above named, and such rail shall be approved of in writing by the county engineer of the county of York before the same is laid.

6. The company shall have power to purchase or lease, Agreements with other companies. for a term of years, the road, rolling stock or motive power of any tramway company lawfully authorized to enter into such agreement, and they shall also have the power to sell or lease the said "The Toronto, High Park and Western Tramway" to any railway or other company, or to make any agreement with such company, lawfully authorized in that behalf, for operating or partially operating the said tramway.

7. The said company may receive from private individuals Aid to company. or from any municipality any bonus or gift for the extension of the said tramway within the distance authorized by this Act.

8. The capital stock of the company shall be one hundred Capital stock. thousand dollars, in one thousand shares of one hundred dollars each, with power to increase the said stock to two hundred thousand dollars.

9. Joseph Davidson, Frank Baby, William Andrew Grant, Provisional directors. James Saurin McMurray, Richard West, George J. St. Leger, and Jacob Paul Clark shall be the provisional directors of said company to obtain subscriptions for stock and to organize said company, and shall hold office until the election of directors, as hereinafter provided for.

10. So soon as twenty-five thousand dollars of the capital First election of directors. stock have been subscribed, and ten per centum thereof paid up, the shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for the purpose, first giving two weeks' notice thereof by circular sent by post to the then shareholders.

Provisions as to number, qualification, and election of directors.

11. The board of directors shall consist of seven shareholders, each of whom shall own not less than one thousand dollars of subscribed stock, and four directors shall form a quorum; and, after the first election, shall be elected on the first Monday of February in each year at the office of the company, and all elections shall be by ballot by the majority of the votes of the stockholders present; each share shall have one vote, and stockholders not personally attending may vote by proxy; and the directors so chosen shall, as soon as may be, elect one of their number to be president, and the directors shall continue in office for one year, or until others shall be chosen to fill their places, and if any vacancy shall at any time occur in the office of president or director the remaining directors shall fill up such vacancy for the remainder of the term.

Commencement of operations.

12. So soon as stock to the amount aforesaid shall have been subscribed, and ten per centum thereof paid up in manner aforesaid, the company may commence operations and exercise the powers hereby granted, but the company shall commence operations within three years and complete the tramway within five years from the passing of this Act.

Stock to be personal property.

13. The stock of the said company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Power to acquire and transfer property.

14. The company may purchase, lease, hold or acquire, and transfer any real or personal estate necessary for carrying on the operations of the company.

Sleighs may be used.

15. The company may substitute sleighs for carriages or cars during the winter months upon the route of their tramway.

Municipalities may authorize use of highways by company.

16. It shall and may be lawful for any municipality through which the said tramway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall and may be lawful for the said company to enter into and perform any such agreements as they may, from time to time, deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said tramway.

Issue of bonds.

17. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special
general

general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding two thousand dollars per mile of tramway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking, and the real property of the company, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Proviso.

18. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or indorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Negotiable instruments.

19. Conveyances of land to the said company, for the purposes of the said company under the powers given by this Act, made in the form set out in Schedule A hereto annexed or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient Form of conveyances.

cient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates indorsed on the duplicate thereof.

Liability of
shareholders.

20. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company beyond the amount of their respective shares in the capital stock thereof.

SCHEDULE A.

(Section 19.)

Know all men by these presents, that I (or we) [*insert the name or names of vendor or vendors*] in consideration of dollars paid to me (or us) by the Toronto, High Park and Western Tramway Company (Limited), the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*] in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land situate [*describe the land,*] the same having been selected and laid out by the said company for the purposes of their tramway, to hold with the appurtenances unto the said the Toronto, High Park and Western Tramway Company (Limited), their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in }
the presence of }

[L.S.]

CHAPTER 67.

An Act to consolidate the Toronto and Nipissing Railway Company, the Whitby, Port Perry and Lindsay Railway Company, the Victoria Railway Company, the Toronto and Ottawa Railway Company, the Grand Junction Railway Company, and the Midland Railway of Canada.

[Assented to 10th March, 1882.]

WHEREAS the Toronto and Nipissing Railway Company, Preamble.
the Whitby, Port Perry and Lindsay Railway Company,
the Victoria Railway Company, the Toronto and Ottawa
Railway Company, the Grand Junction Railway Company,
and the Midland Railway of Canada have severally prayed,
by their respective petitions, for an Act to ratify and confirm
a certain agreement entered into by the said companies for
the consolidation thereof into one company under the name of
“The Midland Railway of Canada,” and for certain amendments
to the Acts relating to the said companies; and whereas it is
expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. In the interpretation of this Act, unless the context shall require a different interpretation, the words “the company” shall mean the company hereby created by said consolidation, and the words “the companies hereby consolidated” shall mean the Toronto and Nipissing Railway Company, the Whitby, Port Perry and Lindsay Railway Company, the Victoria Railway Company, the Toronto and Ottawa Railway Company, the Grand Junction Railway Company, and the Midland Railway of Canada. Interpreta-
tion.

2. The agreement entered into by the said companies, and which is set out in the schedule to this Act, except in so far as the same may be changed and altered by this Act, is hereby confirmed, and shall in all courts and places be taken and held to be legal, valid and binding in all respects whatsoever as fully and completely as if the said agreement and each and every clause thereof were set out at length and enacted in this Act, and the said companies named in the said agreement are hereby consolidated, and from and after the passing of this Act, the said companies shall form and be one company, on the terms and conditions set out in the said agreement, and this Act, with the capital also mentioned in said agreement, under the name of “The Midland Railway of Canada.” Agreement in
schedule con-
firmed.

Powers of
directors
respecting
agreement.

3. The directors in the said agreement named are hereby authorized and empowered to do all acts and things which may be found necessary or expedient for the purpose of fully, efficiently and expeditiously carrying out all the provisions of the said agreement.

Notice of
general and
special meet-
ings.

4. After the passing of this Act all notices for calling general and special meetings of the consolidated company shall be given by publication in the *Ontario Gazette* and in at least one newspaper published in the city of Toronto, such publication to be at least once a week for thirty days before the day of holding such meeting, and for the first meeting for the election of directors after the passing of this Act notice shall be given as in this clause provided.

Working
expenses,
meaning of.

5. The expression "working expenses," when used in this Act and in said agreement respectively, shall be taken and held to mean all expenses of maintenance and renewal of the railway and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and moveable plant used in the working thereof, and also all such rents or annual sums as may be paid in respect of any railways, or warehouses, elevators, wharves or other property leased to or held by the company, or in respect of the hire of engines, carriages or waggons let to the company, rent charges, or principal and interest on lands belonging to the company, purchased but not paid for, or not fully paid for, and also all expenses of and incident to working the railway and the traffic thereon, stores and consumable articles; also rates, taxes, insurance and compensation for accidents or losses, also all salaries and wages of persons employed in and about the working of the railway and traffic thereof, and all secretarial and establishment expenses, including agency, legal and other like expenses, and generally all such charges, if any, not above otherwise specified as in the case of English railway companies, are usually carried to the debit of revenue as distinguished from capital account.

Application of
assets of
companies
consolidated.

6. The assets of the said several companies hereby consolidated, including any which may be earned by each company up to the time the said agreement takes effect, and against which any lien or claim exists or may exist notwithstanding said consolidation, shall continue liable to satisfy all liens and claims against that company which was originally liable therefor or thereto, and shall be applied in such satisfaction, but no other assets of the companies hereby consolidated shall be applied, nor shall the said assets of one company hereby consolidated be so applied, in satisfaction of any lien or claim against the other: Provided that all suits and proceedings to enforce any such lien or claim shall be brought and taken against the company formed by the said consolidation, but only the assets of the company against whom the claim originally existed shall be

Proviso.

be liable to satisfy any such claim; and all actions and suits and proceedings by or against any of the said companies hereby consolidated and pending at the time of the passing of this Act, shall be continued by and against the company against whom the same may have been brought, and all suits necessary to get in the assets of said several companies may, after said consolidation, be brought in the name of the company hereby created for the benefit of the company to whom the same may be due or who may be entitled thereto: Provido. Also that the rights of any person or party having any special lien, charge or privileged claim, upon the lands, buildings, tolls or other property of any of the companies hereby consolidated, or on any part thereof, shall not be affected by said consolidation, save that they and all liens and claims mentioned in this section shall be subject to the provisions of the said agreement and this Act respecting the bond or mortgage debt of the said several companies.

7. Nothing in this Act or in the agreement contained shall in any way interfere with the rights or remedies of any creditors of the said companies parties hereto, so proposed to be consolidated, upon the company so indebted, or its property. Rights and remedies of creditors preserved.

8. All the provisions of the Railway Act of Ontario shall apply to the company as consolidated, and the consolidated company shall have the right instead of any of the powers given in the several Acts relating to the said railways, and which are by the terms of consolidation made applicable to the whole consolidated company, and their lines, if they deem it expedient to do so, in carrying out the provisions of said agreement to exercise the powers contained in sub-section eleven of section nine of the said Railway Act of Ontario; and any mortgage created under the said section and under said Railway Act of Ontario, shall bind all the property, real and personal, mentioned therein, and shall not be subject to the provisions of the Acts respecting mortgages and sales of personal property and any amendments thereto. Railway Act to apply.

9. The directors of the company may grant to any other company running powers over their lines, or any part thereof, or they may make any traffic arrangements with any other company as they may think proper, and for such periods as they may deem best, or they may lease or purchase any other railway lawfully authorized in that behalf; they may agree with any other company for running powers over the railways of any such other company, or they may agree for station and other accommodation, all such agreements, leases or purchases to be on such terms and conditions as the directors of the companies parties thereto may deem proper: Agreements with other companies. Provido. However, no such agreement shall be binding until it has been submitted to a special general meeting of the shareholders

holders of the company created by this Act and shall have been approved by a majority in value of the said shareholders present, in person or by proxy, voting at the said meeting; and provided also that no traffic or running arrangement that may be made with the Ontario Sault Ste. Marie Railway Company, or with any other railway company, shall in any way interfere with the rights of the several sectional bondholders in the said agreement mentioned.

Rights of
aliens.

10. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Negotiable
instruments.

11. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or indorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note: Provided, however, that nothing in this section shall be construed to authorize the company to issue a note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Power to
purchase
whole lots.

12. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof, from time to time as they may deem expedient.

Power to take
gravel, etc., for
construction
or maintenance.

13. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have

have the same effect as in the case of arbitration for the right of way, and all the provisions of the Railway Act of Ontario, as varied and modified by the special Acts relating to the company, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

14. When said gravel, stone, earth or sand shall be taken under the preceding sections of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of the special Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

Sidings to
quarries and
gravel pits.

(2) When estimating the damages for the taking of gravel, sand, stone, or earth, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

15. It shall and may be lawful for the company at any point where the railway or any branch thereof approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, wharves, piers, docks, water lots and lands; and upon the said water lots and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels; and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works, and the said wharves, piers and docks, water lots, lands, elevators, storehouses,

Power to purchase, etc., wharves, etc.

storehouses, warehouses, engine-houses, sheds and other erections, or any thereof, or any portions thereof in its discretion to sell, lease or convey.

Power to purchase and work vessels in connection with railway.

16. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with the steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Telegraph lines.

17. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the company on their line of railway, the powers conferred on telegraph companies by the Acts respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Acts for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Power to mortgage bonds.

18. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities, which, under the provisions of this Act, can be issued for the purposes of the said railway and its branches, or any of them, and the said securities are hereby declared personal property.

Power to contract for construction or equipment of line.

19. It shall be lawful for the directors to enter into a contract or contracts with any individual, or association of individuals, for the construction or equipment or both of any part of the company's lines yet to be built or completed, or for the construction or completion of any extension or improvement, or improvements of their lines, or any branches authorized by this Act, or any part of any such, and including or excluding the purchase of right of way, and to pay therefor either in the whole or in part either in cash or bonds or paid up stock, or partly in one and partly in the other, or otherwise howsoever as the said directors shall deem best.

Gifts of land may be made by municipalities, etc.

20. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the company, any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land from the Government or any person or body politic or corporate for the purposes agreed.

Power to erect snow fences.

21. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands

lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April following.

22. The company may grant to any person or corporation the right to erect warehouses, elevators or other buildings and works for the purpose of giving greater facilities to the public in doing business on and over the company's line or lines, and the buildings and fixtures connected therewith so erected shall not be bound by any mortgage or lien on the property of the company.

Company may grant right to erect warehouses, etc., to be free from lien on company's property.

23. All the mortgages, liens and charges whatsoever on the several sections of the lines of the company formed by said consolidation and mentioned in the said agreement set out in the schedule to this Act, and which are dated before the passage of this Act, are, notwithstanding said consolidation and the passage of this Act, hereby confirmed and declared to be valid and binding mortgages, liens and charges upon said sections respectively, according to the tenor and terms of each of said charges, mortgages and liens respectively, and, subject to these, the whole of the property of the said several companies, parties to said agreement, shall vest in the company formed by said consolidation, and the provisions of the said Acts relating to chattel mortgages shall not apply to any of said mortgages, liens or charges whatsoever.

Existing mortgages on lines consolidated to continue a charge thereon.

24. It is hereby further enacted, that so soon as three-fourths and three-fourths of the ordinary mortgage bonds of the Midland Company, together being the sectional mortgage on the Midland section, and three-fourths of each of the other sectional mortgage bonds mentioned in the agreement in the schedule to this Act contained, have been exchanged for bonds issued under the consolidated company's mortgage, as in the said agreement also provided, it shall and may be lawful for the said company created by the said consolidation, to give notice in the *Ontario Gazette* that three-fourths of each of said sectional bonds have been so exchanged, and from the date of the first publication of said notice the then outstanding sectional bonds shall not bear interest, but the holders thereof shall be entitled to receive first mortgage bonds of the company so created by said consolidation in lieu of the said then outstanding sectional bonds, and to the interest which may be payable thereunder, according to the tenor and effect of said consolidated company's bonds from the day of the first publication of said notice.

When existing sectional bonds may be called in.

Shares mentioned in agreement as paid up to be deemed so paid up.

25. The shares in the capital stock of the said several companies in the said agreement mentioned as paid up, shall be taken and held to be paid up shares, and the shares of the company created by the said consolidation and issued in the stead of the shares in the capital stock of said several companies, shall all be taken and held to be fully paid up; and in making the said exchange in the said agreement mentioned, for the shares in the said several companies, the said exchange shall be made dollar for dollar, par value.

Construction of branches authorized.

26. The company shall have power, in order to connect their railway with the iron mines in the townships of Snowdon, Glamorgan, Galway and Lutterworth, to build sidings or branches from what is now known as the line of the Victoria Railway, by such routes as may be found best, to the said mines, and they may extend what is now known as the Grand Junction Railway, from its present terminus in the township of Madoc to the village of Bancroft, in the township of Faraday, to the iron mines situate at that place, and passing by way of the iron mines situate between said points; and for said purpose all the provisions of "The Railway Act of Ontario" shall apply, and the Acts relating to the said consolidated company.

Agreement in 42 Vic., c. 62, binding on company.

27. The agreement entered into between the Lake Simcoe Junction Railway Company and the Toronto and Nipissing Railway Company, set out in the Acts passed in the forty-second year of Her Majesty's reign, and chaptered sixty-two, is hereby declared to be binding on the Midland Railway of Canada as consolidated.

Existing obligations as to carriage of cordwood preserved.

28. Where any of the companies so consolidated as in this Act and said agreement provided, before said consolidation were, by agreement created by statute, by-law, or otherwise, bound to carry cordwood at a fixed rate, the company formed by said consolidation shall, over any section or line in respect to which said agreement to carry cordwood at a fixed rate applies, be bound by said agreement, but to no greater extent or distance than any such agreement calls for.

Municipal directors.

29. The corporation of the city of Toronto shall have the same power to appoint an *ex officio* member of the board of the said company, which before the passing of this Act they the said corporation possessed with respect to the Toronto and Nipissing Railway Company; and the mayor of the city of Belleville, for the time being, shall also be *ex officio* a director; also, the corporation of the town of Lindsay shall have the right to name an *ex officio* director of said company. These to be in addition to the number named in the said agreement for consolidating said companies.

30. The several boards of the said several companies hereby consolidated in office at the time this Act takes effect, shall have and continue to have the power to get in, dispose of, and deal with the assets of the said companies respectively, and to finally settle the affairs of each of said companies so consolidated, and discharge all claims, if any, against said companies respectively; but nothing in this clause contained, however, shall in any way interfere with, or in any form prevent or delay, the consolidation of said companies in all respects as intended by said agreement and this Act.

31. Any bond, coupon, or obligation of any of the said companies consolidated by the said agreement and this Act, which is on the face of it payable at the office of any such company, in Canada or in England, as the case may be, shall be taken and held after the passing of this Act to be payable at the office of the Midland Railway of Canada, as so consolidated, in Canada or England, as the case may be, and any registration of any such bonds or coupons shall be made at the office of the company formed by said consolidation, in Canada or England, or both, as may be required.

32. The tolls, rates and charges upon the said company's railway shall from time to time be fixed and regulated by the directors of the company by by-law, and may be demanded and received for all passengers and goods transported upon the railway or in the steam vessels to the undertaking belonging, and shall be paid to such persons, and at such places near to the railway, in such manner and under such regulations as the by-laws direct.

33. No tolls, rates or charges, shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in the *Ontario Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof.

34. Every by-law fixing and regulating tolls, rates or charges shall be subject to revision by the Lieutenant-Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council reducing the tolls fixed and regulated by any by-law has been twice published in the *Ontario Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked, and the tolls, rates and charges so fixed and approved shall, in addition to being published in the *Ontario Gazette* as aforesaid, be printed and stuck up as provided in sub-section eight of section twenty-three of "The Railway Act of Ontario;" and in case any tolls, rates or charges are charged and collected by the company in excess of the tolls, rates or charges fixed and approved, as in this Act and "The Railway Act of Ontario" provided,

vided, it shall be competent for the Attorney-General of Ontario for the time being to proceed by information against the said company, to compel and enforce the observance of the said tariff, and the collection only by the said company of the legal and proper tolls, rates and charges so fixed and approved as aforesaid.

Provisions of
Railway Act
respecting
tolls, as
varied, to be
part of Act.

35. All the provisions of "The Railway Act of Ontario" contained in section twenty-three of said Act and the subsection thereof, respecting tolls, shall, as varied above, be taken and held to be part of this Act.

Right of muni-
cipalities hold-
ing stock.

36. The several municipal corporations holding shares in the capital stock of the said company formed by said consolidation, shall have all the rights of ordinary shareholders, and the same shall for them be exercised by such person as the council of such corporation may from time to time by resolution appoint; and said corporations respectively may, if they think proper, sell and dispose of any of their said shares on such terms as the council of said corporations think proper, and any transfer made shall be under the corporate seal of said corporations.

Provision as to
workshops at
Whitby.

37. The workshops now existing at the town of Whitby, on the Whitby section, shall not be removed by the consolidated company without the consent of the council of the corporation of the said town of Whitby.

Provision as to
bond given by
Victoria Rail-
way to town
of Lindsay.

38. So much of the conditions of a bond made by the Victoria Railway Company to the corporation of the town of Lindsay, in the penal sum of one hundred and seventy thousand dollars, and dated the sixteenth day of May, in the year of our Lord one thousand eight hundred and seventy-four, as relates to the construction, maintenance and free use of warehouses, the cost of elevating grain, the location of the workshops for the manufacture of cars and rolling stock (other than locomotive engines) for exclusive use on the Victoria section of the consolidated company's line, shall be valid and binding on the said company formed by the said consolidation agreement and this Act.

Provision as to
agreement
between town-
ship of Somer-
ville and the
Nipissing
Railway.

39. So much of a certain agreement entered into between the corporation of the township of Somerville and the Toronto and Nipissing Railway Company as refers to the construction of a siding to the navigable waters of Balsom River at or near Coboconk, so as to enable scows and other vessels to unload cordwood and other freight upon cars, shall be and the same is declared valid and binding on the consolidated company.

Agreement
between Vic-
toria Railway
and township

40. The agreement between the said Victoria Railway Company and the corporation of the township of Somerville, dated the thirteenth day of June, in the year of our Lord one thou- sand

sand eight hundred and seventy-four, respecting the erection of Somerville
and maintenance of certain stations therein mentioned, shall to be binding
be valid and binding on the said company formed by said con- on company.
solidation.

41. The agreement between the Midland Railway of Canada Agreement
and the Midland Elevator and Forwarding Company (Limited), between Mid-
respecting the elevators at Midland and Port Hope respectively, land Railway
shall be binding upon the company formed by said consolida- and Midland
tion, and said elevators shall not be bound or affected by any Elevator and
mortgage heretofore made by said Midland Railway, or here- Forwarding
after made by the company formed by said consolidation. Co. to be
binding on
company.

42. So much of the memorandum of agreement dated the Provision as to
thirteenth day of July, in the year of our Lord one thousand agreement
eight hundred and seventy-seven, and made between the between
Whitby, Port Perry and Lindsay Railway Company of the Whitby, Port
first part, and the corporation of the county of Victoria of the Perry and
second part, as relates to the running of trains between Whitby Lindsay Rail-
and Whitby Harbour and Lindsay, the erection and mainten- way and
ance of stations and grain warehouses, and the insurance county of Vic-
thereof, shall be valid and binding on the company formed by toria.
said consolidation; but in consideration of the tariff clauses of
said agreement being abandoned by the company, the said
corporation of the county of Victoria forego their right, if any, to
appoint or have an *ex officio* director on the said company's board.

43. So much of the conditions of a bond made by the Vic- Agreement
toria Railway Company to the corporation of the provisional between Vic-
county of Haliburton, in the penal sum of one hundred and toria Railway
ten thousand dollars, and dated the twenty-fourth day of July, Co. and pro-
one thousand eight hundred and seventy-four, as relates to the visional
erection of suitable stations and free warehouses, and to the county of
construction and location of sidings and platforms, shall be Haliburton to
valid and binding on the said company formed by the said be binding on
consolidation agreement and this Act. the company.

44. One of the said ten directors to be elected by the share- One director to
holders, as in the said agreement provided, shall be a resident be a resident of
of the town of Port Hope, provided a duly qualified share- Port Hope.
holder is at the time of each election a resident of Port Hope,
and is willing to accept and perform the duties of said office.

45. This Act and the said agreement shall take effect from Time agree-
and after the first day of April, one thousand eight hundred ment to take
and eighty-two. effect.

SCHEDULE IN THE WITHIN ACT REFERRED TO.

This Agreement, made this the tenth day of December, in
the year of our Lord one thousand eight hundred and eighty-
17
one,

one, by and between the Toronto and Nipissing Railway Company, hereinafter called the "Nipissing Company" of the first part; the Whitby, Port Perry and Lindsay Railway Company, hereinafter called "the Whitby Company" of the second part; the Victoria Railway Company, hereinafter called the "Victoria Company" of the third part; the Toronto and Ottawa Railway Company, hereinafter called the "Toronto and Ottawa Company" of the fourth part; the Grand Junction Railway Company, hereinafter called the "Grand Junction Company" of the fifth part; and the Midland Railway of Canada, hereinafter called the "Midland Company" of the sixth part.

Whereas the said several companies above mentioned, parties hereto, desire to secure the construction of The Ontario Sault Ste. Marie Railway, and by that means to gain access to the North-Western Territories of Canada, and the North-Western States and Territories of the United States of America; and whereas the consolidation of the said several companies, parties hereto, into one company would give greater financial strength and unity of action in the promotion of the construction of the said Sault Ste. Marie line, and would also benefit the public by giving more efficient train service and greater traffic facilities generally, than the said companies severally can or do now give; and whereas the capital stock of the Toronto and Nipissing Railway Company is five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, fully paid up; and whereas the capital stock of the Whitby, Port Perry and Lindsay Railway Company is three hundred thousand dollars, divided into six thousand shares of fifty dollars each, fully paid up; and whereas the capital stock of the Victoria Railway Company is three hundred thousand dollars, divided into six thousand shares of fifty dollars each, fully paid up; and whereas the capital stock of the Toronto and Ottawa Railway Company is five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, fully paid up; and whereas the capital stock of the Grand Junction Railway Company is five hundred thousand dollars, divided into twenty-five thousand shares of twenty dollars each, fully paid up; and whereas the capital stock of the Midland Railway of Canada is four hundred thousand pounds sterling, (or two millions of dollars), divided into forty thousand shares of ten pounds (or fifty dollars) each, fully paid up; and whereas the Midland Company have created and issued preference mortgage bonds to the extent of one hundred and fifty thousand pounds sterling money, and also have created and issued ordinary mortgage bonds to the extent of five hundred and twenty-five thousand pounds sterling money; and whereas on these last mentioned bonds interest has now accrued, for which certificates have been issued to the extent of thirty thousand pounds sterling; and whereas the Toronto and Nipissing Company have created and issued, and propose to create and issue, first mortgage bonds in all to the sum of one million seven hundred and fifty thousand dollars;

lars; and whereas the Whitby Company have created and issued first mortgage bonds to the sum of ninety-four thousand five hundred pounds sterling, and second mortgage bonds to the sum of forty-seven thousand two hundred pounds sterling; and whereas the Victoria company have created and issued first mortgage bonds of the company to the sum of sixty-eight thousand four hundred pounds sterling; and whereas the Toronto and Ottawa Company have created first mortgage bonds to the sum of one hundred thousand dollars, and have agreed to create a further issue of bonds not to exceed twenty-five thousand dollars per mile of their railway as and when constructed; and whereas the Grand Junction Company have created and issued, and propose to create and issue, first mortgage bonds in all to the sum of one million one hundred thousand dollars of lawful money of Canada.

Therefore these presents witness that the said several companies, parties hereto, have and by these presents do covenant and agree each with the other in manner following, that is to say: The Toronto and Nipissing Railway Company, the Whitby, Port Perry and Lindsay Railway Company, the Victoria Railway Company, the Toronto and Ottawa Railway Company, the Grand Junction Railway Company, and the Midland Railway of Canada, all parties to these presents, shall be consolidated and shall form one company under the name of "The Midland Railway of Canada."

That the capital stock of the said consolidated company shall consist of six millions six hundred thousand dollars, divided into one hundred and thirty-two thousand shares of fifty dollars each, of which there shall be allotted and issued: to the holders of the stock of the Midland Company the sum of two millions of dollars, or four hundred thousand pounds sterling, in lieu of their existing shares in the present Midland Company; to the holders of the capital stock of the Grand Junction Company there shall be allotted and issued the sum of five hundred thousand dollars, in lieu of their existing shares in the present Grand Junction Company; to the holders of the shares in the Toronto and Nipissing Company there shall be allotted and issued the sum of five hundred thousand dollars, in lieu of their existing shares in the present Toronto and Nipissing Company; to the holders of the shares in the Toronto and Ottawa Company there shall be allotted and issued the sum of five hundred thousand dollars, in lieu of their existing shares in the present Toronto and Ottawa Company; to the holders of the existing shares of the Whitby Company three hundred thousand dollars, in lieu of their existing shares in the present Whitby, Port Perry and Lindsay Railway Company; to the holders of the existing shares in the Victoria Company three hundred thousand dollars, in lieu of their shares in the existing Victoria Railway Company; and the remainder of the said shares in the said capital stock of the consolidated company, and such part of the said allotments as may not be required for the purpose

pose of making the aforesaid exchange, if any, shall be held for the purposes of the consolidated company.

That the directors of the consolidated company for the time being, may at any time and from time to time, as they shall deem expedient, issue, sell and dispose of said remaining shares so held in reserve, or they may be issued in payment for services rendered or to be rendered, or for such consideration as to the said directors shall seem to the interests of the said company, and at such price or discount or consideration as they in their discretion and judgment may deem best, and they may accept from the subscribers for, or purchasers of such shares, such sum, consideration or service as they may think expedient, and the said shares so issued shall be deemed, held and taken to be fully paid up shares in the said consolidated company's stock, and the holder or holders thereof may and shall have and exercise all the powers and rights appertaining to holders of fully paid up shares, the proceeds of or consideration for any such sales to enure to and to be applied to the general purposes of the company.

The mortgage bond debt of the several companies shall be taken, and the same is hereby declared to be as follows, that is to say: (a) The preference mortgage debt of the Midland Company, one hundred and fifty thousand pounds sterling; (b) the ordinary mortgage debt of the Midland Company, five hundred and twenty-five thousand pounds sterling, and the interest certificates outstanding, thirty thousand pounds sterling; (c) the first mortgage debt of the Grand Junction Company, one million one hundred thousand dollars; (d) the first mortgage debt of the Toronto and Nipissing Company, one million seven hundred and fifty thousand dollars; (e) the first mortgage debt of the Toronto and Ottawa Company, one hundred thousand dollars, and a sum not exceeding twenty-five thousand dollars per mile of railway actually constructed from time to time, or such less sum as may be required to construct and equip that company's line, in addition to the other resources of the company; (f) the mortgage debt of the Whitby Company, one hundred and forty-one thousand and seven hundred pounds sterling; (g) the mortgage debt of the Victoria company, sixty-eight thousand and four hundred pounds sterling.

That of the bonds of the Toronto and Nipissing Company, there shall be held in reserve for the purposes of improvements, and for changing the gauge of that company's line north of Midland Junction, and for other purposes, the sum of three hundred and fifty thousand dollars.

That the bonds of the Toronto and Ottawa Company, with the exception of one hundred thousand dollars hereinafter referred to, shall only be issued as the construction of the road is proceeded with, and then not to a greater extent in any case than twenty-five thousand dollars per mile of railway actually completed and equipped.

That there shall be created a consolidated company's mortgage to secure bonds on the consolidated company's property,
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to rank after the bond debt of the several companies hereinbefore mentioned, for a sum which shall be equal to the aggregate of the nominal amounts of said several mortgages of the said several companies as hereinbefore stated, with the addition of two millions of dollars to provide for enlargements, improvements and extensions of the railway of the consolidated company, but except as hereinafter provided, no portion of the bonds for the said two millions of dollars shall be issued by the directors of the company, except and until such issue is authorized by a vote of a majority of the shareholders of the consolidated company present, in person or by proxy, at a special general meeting of the said shareholders, called for the purpose of considering the question of such issue and the application of the proceeds thereof.

That for the purpose of covering expenditure made for improvements and extensions of the Grand Junction line, the consolidated company shall, as soon as can be after the final confirmation of said consolidation, issue and deliver to the present owners of the Grand Junction Railway Company's bonds, the sum of two hundred and ninety-two thousand dollars (or sixty thousand pounds sterling), of said consolidated company's bonds, to be issued as above provided.

That as soon as the said mortgage is created on the said consolidated company's property as above provided in that behalf, the holders of the said bonds of any of the said companies hereby consolidated, may and they shall have the right at any time, and from time to time, to exchange their said bonds for bonds of said issue of the consolidated company above-mentioned, at par.

That the said bonds so to be issued under the said consolidated company's mortgage as aforesaid, shall to the extent so allotted in respect of each company, be held for exchange with the holders of said bonds of the said several parties hereto, at par, as above provided, and said exchange at the request of the several holders of the said bonds shall be made from time to time accordingly, but if it is at any time found that by a sale of the said amount so allotted in respect of any company, the said bonds of the company to which such allotment is above made, can be purchased and got in, it shall be lawful for the directors of the company to sell the said bonds so allotted to the extent required, and buy in said outstanding bonds, but in no such case shall the consolidated company's bonds be sold for less than the sum to be paid for an equal nominal amount of sectional bonds so to be bought and got in.

That in case any of the sectional bonds of the said companies to be consolidated shall be purchased or exchanged as herein provided for, they shall not be cancelled, but shall continue to be held by the trustees for the consolidated bondholders, for the benefit of the said bondholders, until such time as the whole of the said sectional bonds have been purchased or exchanged, when the whole shall be cancelled and the consolidated mortgage shall then be, and shall rank as, the first mortgage over the whole property.

That

That each of the parties to this agreement shall collect all debts due to them respectively at the date at which this agreement shall take effect, and they shall pay and discharge all debts and liabilities other than mortgage bond debts and municipal liens due by them respectively.

That nothing in this agreement contained shall in any way interfere with the rights or remedies of any creditors of the said companies parties hereto, so proposed to be consolidated, upon the company so indebted, or its property.

That for the further purposes of this agreement the line of the Toronto and Nipissing Railway Company shall be known as the "Nipissing Section," the line of the Grand Junction Railway Company as the "Grand Junction Section," the line of the Midland Company as the "Midland Section," the line of the Toronto and Ottawa Company as the "Toronto and Ottawa Section," the line of the Whitby Company as the "Whitby Section," and the line of the Victoria Company as the "Victoria Section," all respectively of the (Consolidated) Midland Railway of Canada.

That until such time as the bonds of the various companies, parties hereto, shall have been exchanged or by some means gotten in by or for consolidated bonds of the Midland Railway so to be constituted as aforesaid, the earnings and expenses of the various sections of the said line, as above fixed, shall be kept in separate accounts, and the net earnings of each applied as hereinafter mentioned, that is to say: (a) The net earnings of the Nipissing Section to the payment of the interest of five per cent. per annum upon the mortgage bonds issued, and on those proposed to be issued, as and when issued, of the Nipissing Company as above provided; (b) the net earnings of the Grand Junction section to the payment of the interest on the bonds issued, and on those proposed to be issued, as and when issued, of the Grand Junction Company upon their line as above mentioned; (c) the net earnings of the Midland Section to the payment of the interest on the bonds heretofore issued on that section as above mentioned; (d) the net earnings of the Toronto and Ottawa Section to the payment of the interest on the bonds issued and to be issued by the Toronto and Ottawa Company on that section as above mentioned; (e) the net earnings of the Whitby Section to the payment of the interest on the bonds heretofore issued on that section as above mentioned; (f) the net earnings of the Victoria Section to the payment of the interest on the bonds heretofore issued on that section as above mentioned.

That no part of the net earnings of the said several sections shall be applied to the payment of any interest accrued and due, or accrued but not due at the date when this agreement takes effect, such interest each company shall settle and pay as a liability above agreed to be paid by each respectively.

That the surplus of the net earnings on any one or more sections of the line, after payment of the working expenses and of the interest on the mortgage bonds of such section or sections,

sections, shall be applied to the making good of any deficiency in the earnings of any other section or sections of the road required to pay working expenses, and the interest upon the bonds of such section or sections.

The surplus net receipts remaining after the payment of the working expenses and interest on all the sectional mortgage bonds shall be applied to the payment of interest on the consolidated mortgage bonds issued or proposed to be issued, as and when issued, as set forth in this agreement, and any surplus net earnings remaining after payment of the working expenses and of the interest on the said sectional mortgage bonds and the consolidated company's mortgage bonds aforesaid, issued and proposed to be issued, as and when issued, as above provided for, shall be payable as dividend to the holders of the ordinary shares of the consolidated company.

That the board of directors of the consolidated company shall consist of ten members, who shall respectively be shareholders in the company to the extent of not less than four thousand dollars each; that George A. Cox, Robert Jaffray, William Gooderham, J. D. Edgar, Lewis Ross, James M. Ferris, Thomas Kelso, H. P. Dwight, J. R. Dundas, and F. W. Henshaw shall be the first directors of the consolidated company, and shall hold office from the day this agreement takes effect until the first election of directors which shall be held after this said agreement takes effect; that thereafter the directors shall be chosen annually by the shareholders, and shall hold office for one year, or until their successors are elected, unless they cease to be shareholders, but all duly qualified directors shall be eligible for re-election; that all shareholders shall have a vote in the election of directors, and at any meeting of the company, and upon any question voted upon at any meeting, either in person or by proxy, for each share he shall then be the holder of, as shall appear on the books of the company.

That the chief office of the (consolidated) company shall be at Peterborough or Toronto, or at such other place in the Province of Ontario as the board of directors may from time to time, by by-law passed for such purpose, fix and determine, but in every case of a change of domicile of said head office, notice shall be given by two publications in the *Ontario Gazette*; the company may open an office in the city of London, England, where transfers of shares and bonds of the (consolidated) company may be registered, and such other business of the company be transacted as may from time to time be designated by resolution or by by-law of the board of directors.

The (consolidated) company's bonds above mentioned may be issued in currency or sterling, and for such amount in sterling and currency respectively, and made payable, principal and interest, at such place or places as the directors by resolution may determine, and they may be made payable to bearer and registered, at the option of the holder, under such rules and regulations as the directors may from time to time deem proper, and shall bear interest at five per cent. per annum, payable half-yearly.

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The share certificates of the (consolidated) company may be issued in sterling or currency, as the directors may from time to time decide, each fifty dollars shall be represented by ten pounds sterling, and the directors shall from time to time prescribe the regulations on which conversion of shares from currency to sterling, and *vice versa*, shall be made. A register shall be kept at the said head office in Canada of all share and bondholders of the company.

That the said (consolidated) company shall have power to enter into and make traffic arrangements with the Ontario Sault Ste. Marie Railway Company, on such terms and conditions as the directors of the said two companies may agree upon for the purpose of (to such extent and in such way as may be deemed proper), securing the interest on the bonds of the said Ontario Sault Ste. Marie Railway Company, or some part of them, which may be used for the construction of said company's line, such agreement, however, not to take effect unless and until submitted to and approved of by two-thirds of the shareholders of the said company present, in person or by proxy, at a special general meeting of said shareholders called to consider and approve, or disapprove, of the said agreement.

That all the corporate powers, franchises and privileges of the said several companies shall cumulatively vest in and become the powers, franchises and privileges of the said (consolidated) company, and shall and may be exercised, had and enjoyed by the said (consolidated) company to any and every extent, any one or more of the said several companies enjoyed the same before consolidation, and the same shall apply to the whole undertaking.

That an application shall be made to the Legislature of Ontario, at its next or any subsequent sittings, for an Act to confirm this agreement, and for such other provisions and powers in respect thereof as may be deemed necessary, to fully carry out the object and intention had in view in this agreement, and each of the said parties hereto agree to use all lawful means in their power to get an Act passed for the purposes aforesaid, and to continue such application from time to time until such legislation is secured.

The directors shall have power from time to time to appoint a London committee, to consist of not more than six persons, who shall have and exercise such powers in such matters as may be referred to them, as the by-law appointing such committee or the by-laws of the company passed by the directors may from time to time assign to them.

That with respect to the conversion of bonds of the (consolidated) company into sterling, and also in converting the sectional bonds issued in sterling, into currency, the par of exchange in making the said conversion shall be four dollars and eighty-six cents and sixty-six one-hundredths of a cent for each pound sterling money.

The directors of the (consolidated) company may vote by proxy on all questions coming before the board, and the quorum for

for the transaction of business shall be five, present in person or by proxy, and all questions shall be determined by a majority of the votes present.

That the annual election of directors shall be held on such days and at such hours, at the head office in Canada of the company, as the above directors or their successors may from time to time by by-law fix and appoint.

That all notices of general meetings or special general meetings of shareholders shall be given in the manner which shall be fixed by the by-laws of the company, and may by the directors be changed from time to time as they may think fit.

That for the first meeting for the election of directors after said consolidation, notice shall be given in the manner provided in the Acts of Parliament relating to the Midland Railway, and which are now in force.

The several parties hereto each covenant with the other, and others, to make, do and execute such further and other deed or deeds as may be requisite to give full effect to the above agreement, and that in the Act which shall be applied for, such further and other provision may be made, as may be determined by Parliament proper, to make the consolidation complete for all the purposes intended.

In witness whereof, the said several companies, parties hereto, have respectively hereunto set their respective corporate seals on the day and year first above written.

Signed, sealed and delivered in presence of

The Toronto and Nipissing Railway Company, by

WM. GOODERHAM,

President.

JOS. GRAY,

Secretary.

{ Seal of the
Company. }

The Whitby, Port Perry and Lindsay Railway Company, by

J. AUSTIN,

President.

{ Seal of the
Company. }

The Victoria Railway Company, by

JOHN PROCTOR,

President.

H. E. SUCKLING,

Secretary.

{ Seal of the
Company. }

The Toronto and Ottawa Railway Company, by

WM. GOODERHAM,

President.

JOS. GRAY,

Secretary.

{ Seal of the
Company. }

The

The Grand Junction Railway Company, by

THOS. KELSO,

President.

WM. SUTHERLAND, Jr.,

Secretary.

{ Seal of the
Company. }

The Midland Railway of Canada, by

GEORGE A. COX,

President.

H. REED,

Secretary.

{ Seal of the
Company. }

CHAPTER 68.

An Act respecting the Toronto and Nipissing Railway Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Toronto and Nipissing Railway Company, by their petition, represent that heretofore they have created and issued mortgage bonds to the sum of nine hundred thousand dollars; and whereas at a meeting of the shareholders of the said company, duly held for such purpose, a by-law was unanimously passed authorizing the directors to create the mortgage in the schedule to this Act and to issue bonds to the extent of one million seven hundred and fifty thousand dollars, as in said mortgage set out; that they have recently changed the gauge of their line from Scarborough to Midland Junction, and have otherwise incurred a large expenditure, making their present liabilities, consisting of bonds and otherwise, one million four hundred thousand dollars; and whereas they also desire to change the gauge of their line from Midland Junction to its northern extremity, and for that purpose and in order to supply additional rolling stock, extensions and other requirements consequent upon the said change of gauge a further bond debt to the extent of three hundred and fifty thousand dollars will have to be created; and whereas the said company also represent that they have created the mortgage set out in the schedule to this Act, and that they desire to have the same made legal and binding for the purposes therein expressed, and they have prayed that an Act may be passed for the purposes above mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The mortgage set out in the schedule to this Act, and the bonds secured thereby, are hereby confirmed and declared legal and valid, in all respects, and for all purposes whatsoever, according to the tenor, purport and intent thereof respectively.

Mortgage confirmed.

2. The said mortgage shall be a first charge upon all the property, real and personal, of the said Toronto and Nipissing Railway Company.

Mortgage a first charge on the property of the Company.

3. The company shall have power to exchange an equal amount of the bonds mentioned in the said mortgage for the bonds now outstanding, and shall also apply to the extent in all of one million four hundred thousand dollars of the said bonds to the liquidation and payment of the said nine hundred thousand dollars mortgage bonds and other liabilities of the said company.

New bonds to be exchanged for old bonds.

4. The company shall have the right to hold the remaining three hundred and fifty thousand dollars, for the purpose of changing the gauge north of the Midland Junction, and for the purposes of making extensions and increasing the facilities of the said railway.

Part of bonds to be used for change of gauge.

5. The provisions of the Act, Revised Statutes of Ontario, chapter one hundred and nineteen, respecting mortgages and sales of personal property, and any amendments thereto, shall not apply to the mortgage in the schedule to this Act.

R.S.O., c. 119, not to apply to mortgage in schedule.

SCHEDULE.

Dominion of Canada,) The Toronto and Nipissing Railway
Province of Ontario.) Company—First Mortgage.

This indenture, made this second day of January, in the year of our Lord one thousand eight hundred and eighty-two, by and between the Toronto and Nipissing Railway Company, hereinafter called "the company," of the first part, and William Gooderham, of the city of Toronto, esquire, and Robert Wright, of the city of Montreal, esquire, hereinafter called "the trustees," of the second part; whereas the company heretofore under the provisions of the Acts relating to the said company issued its mortgage bonds to the sum of nine hundred thousand dollars, which bear interest at the rate of seven per cent. per annum, and upwards, and are now outstanding; and whereas for the said bonds, floating debt and the costs of widening the gauge of the company's railway, between Scarborough Junction and Midland Junction, and the expenses consequent upon and incidental to the said change, the company are now indebted in the sum of one million four hundred thousand dollars; and whereas for the purpose of widening

widening the gauge of the company's railway, north of Midland Junction, and for other purposes of the company, and to meet the expenses of extensions, improvements, and all other expenditure, which may be found expedient for the full development of the business of the country, served by the company's railway, the company desire to provide for a further issue of first mortgage bonds to the extent of three hundred and fifty thousand dollars, making in all the sum of one million seven hundred and fifty thousand dollars; and whereas the company have therefore desired to create a first mortgage upon all its property, real and personal, and its tolls, revenues and franchises, under the provisions of sub-section eleven of section nine, of chapter one hundred and sixty-five of the Revised Statutes of Ontario, known as "The Railway Act of Ontario," to secure an issue of bonds for the sum of one million seven hundred and fifty thousand dollars, payable in thirty years from the date of these presents, bearing interest at the rate of five per cent. per annum, payable half-yearly, and with one million four hundred thousand dollars of the said bonds to get in and have cancelled the said outstanding bonds, and all interest coupons payable thereon, and to pay off and discharge all the floating debt and liabilities of all kinds of the company; the remainder of said one million seven hundred and fifty thousand dollars, that is three hundred and fifty thousand dollars of the said bonds so to be issued, to be held in reserve for the purposes of improvements and extensions, and for changing the gauge of the company's line, north of Midland Junction, and for other purposes; and whereas the directors of the company have determined to create said new bonds to the said sum of one million seven hundred and fifty thousand dollars, payable thirty years from and after the first day of January, one thousand eight hundred and eighty-two, with interest at the rate of five per cent. per annum, payable semi-annually, and to this end have authorized the president and the secretary of the company to execute said bonds in the name of the company by attaching its name and affixing its corporate seal thereto.

The said bonds in form and substance to be as follows:—

Dominion of Canada,	} The Toronto and Nipissing Railway
Province of Ontario.	
	} Company first mortgage five per
	} cent. coupon bond.
Number	\$500.

Know all men by these presents that the Toronto and Nipissing Railway Company is indebted to William Gooderham, of the city of Toronto, esquire, and Robert Wright, of the city of Montreal, esquire, trustees, or the bearer hereof, in the sum of five hundred dollars, lawful money of Canada, which sum the Toronto and Nipissing Railway Company promises to pay to the said trustees or the bearer hereof, on the first day of January, one thousand nine hundred and twelve, at the office of the company, in the city of Toronto, Canada, with interest thereon in the meantime, at the rate of five per cent. per annum, payable

able at the same place, semi-annually, on the first days of July and January in each year, on the surrender of the annexed coupons as they severally become due for such interest.

This bond is one of a series of bonds issued and to be issued to an aggregate amount of one million seven hundred and fifty thousand dollars of lawful money of Canada, in sums of five hundred dollars, or such other sums as the directors may deem proper, but so that in the whole the aggregate of the said bonds shall not exceed said sum of one million seven hundred and fifty thousand dollars, and is secured, principal and interest, by a first mortgage deed of trust, dated the second day of January, one thousand eight hundred and eighty-two, duly executed and delivered by the Toronto and Nipissing Railway Company to the said William Gooderham and Robert Wright, trustees, and conveying to them and their successors in the trust, the railway of the said company, its lands, rolling stock, tolls, revenues, and all present and future real and personal property and effects, franchises and appurtenances.

This bond, and all the rights and benefits arising therefrom, shall pass by delivery, and at the option of the holder hereof, may be registered, for the time being, in the company's books, at its office in the city of Toronto, Canada, such registry being noted on the bond by the company's transfer officer or agent; after such registry no transfer shall be valid unless made in the company's books by the person registered for the time being as the owner hereof, which transfer shall also be noted on the bond; such registry will not restrain or change the negotiability of the coupons by mere delivery, but the holder of such coupons may detach and surrender the same to be cancelled and have such cancellation noted on the bond, in which case the interest will be payable only to the person registered for the time being as the owner of the bond.

After registration, as herein provided, and before the coupon shall be detached, the holder may transfer this bond on the company's books to the bearer, and thereupon shall pass by delivery, but shall continue subject to successive registrations and transfers to bearer as aforesaid at the option of each holder.

This bond shall not become obligatory upon the company until the certificate indorsed hereon is signed by the trustees.

In testimony whereof the Toronto and Nipissing Railway Company has caused its corporate name and seal to be hereto affixed, and the same to be attested by the signatures of the president and secretary, on the second day of January, one thousand eight hundred and eighty-two; and the company has also caused the signature of its secretary to be affixed to the coupons attached to this bond in the manner provided by the resolution of the directors of the company.

{ L.S. }

President.

Secretary.

FORM

FORM OF COUPON.

Coupon No.

Bond No.

The Toronto and Nipissing Railway Company will pay twelve dollars and fifty cents of lawful money of Canada, on the first day of July, one thousand eight hundred and eighty-two, on presentation of this coupon at the office of the company in the city of Toronto.

Secretary.

 TRUSTEES' CERTIFICATE.

We hereby certify that the within bond is one of the series of bonds secured by the mortgage or deed of trust mentioned therein and delivered to us as trustees, which mortgage has been duly recorded in the proper counties in the Province of Ontario.

} *Trustees.*

It shall be permissible for the said the Toronto and Nipissing Railway Company, to make a part or the whole of the said bonds and coupons payable in sterling money, at a par of exchange of four dollars and eighty-six cents and sixty-six one hundredths of a cent to the pound sterling, that to be the par of exchange for said purpose, and to issue them in denominations of one hundred, two hundred, five hundred and one thousand pounds sterling each, or such other sums as shall be found expedient, with principal and interest payable at the office of the company in London, England, the form and substance of said bonds and coupons to be in all other respects the same as the foregoing; and whereas the company, the party hereto of the first part, hath agreed to execute these presents, as and for a first mortgage deed of trust to secure the said issue of bonds, the said issue being strictly limited to the sum of one million seven hundred and fifty thousand dollars, as hereinbefore stated, and has duly authorized and empowered its president and secretary thereunto.

Now therefore these presents witness, that for the purpose of securing the payment of the said bonds with interest thereon as aforesaid, and for the further consideration of one dollar in hand paid by said parties of the second part to the said party of the first part, the receipt whereof is hereby acknowledged, the said the Toronto and Nipissing Railway Company, the party hereto of the first part, have granted, bargained, sold and conveyed, and hereby do grant, bargain, sell and convey unto the said

said parties of the second part, and their successors in the office of trustees, all the property, real and personal, which the Toronto and Nipissing Railway Company now owns or shall hereafter acquire, that is to say, the said company's railway and property in the city of Toronto, also their railway and property in the townships of Scarborough, Markham and Whitchurch, and the incorporated villages of Markham and Stouffville, in the county of York; also in the townships of Uxbridge, Reach and Brock, also the incorporated villages of Uxbridge and Cannington, in the county of Ontario; also in the townships of Mariposa, Eldon and Bexley, in the county of Victoria; as now occupied and in the possession of the company, together with any extensions of the line of the company which may from time to time be made, and including the right of way and the land occupied thereby, with the super-structure and tracks thereon and to be thereon, with all lands at any time acquired in the future for any deviation of the line for the purposes of the railway, and all rails, ties and other materials placed or to be placed or used on the said railway, procured or to be procured therefor, owned or that may be hereafter owned by the said company, and all bridges, viaducts, wharves, culverts, fences, stations, station grounds, machine shops, grain elevators, and all other buildings, fixtures and structures upon the premises and property of the company, or located elsewhere but belonging to the company, and held or acquired for the use of the company in connection with the said railway or the business thereof, and all the locomotives, engines, tenders, cars and other rolling stock and equipments, and all machinery, implements, fuel and material for constructing, operating and repairing, or replacing the said railway, and all franchises connected with or relating to the said railway, or the construction, maintenance or operation thereof, and all corporate and other franchises held or exercised by the company, and all franchises of any kind the company may hereafter acquire, and all the tolls and revenues of the company, subject, however, to the payment of the usual charges known as working expenses, all expenses of maintenance and renewal of the railway, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock, and movable plant used in the working thereof, and also all annual sums, and all expenses incident to working the railway, and the traffic thereon, stores, consumable articles, taxes, rates, insurance, and compensation for accident or losses, also salaries and wages of persons employed in and about the working of the railway and traffic thereof, but in no case to exceed such working expenses, which in case of English railway companies are usually carried to the debit of revenue as distinguished from capital account, together with all and singular the tenements, hereditaments and appurtenances thereto, in anywise belonging or appertaining, and the reversions, remainders, tolls, incomes, rents, issues, and profits thereof and all the estate, right, title and interest, property, possession, claim

claim and demand whatsoever, as well in law as in equity, of the company, the party hereto of the first part of, in, and to the same and every part thereof with the appurtenances; to have and to hold the said premises, and every part thereof, unto the said parties of the second part, and the survivors of them, and their and his successor and successors and assigns forever; nevertheless in trust for the holders of said bonds, and upon the following conditions, covenants and agreements, and for the purposes herein expressed.

First.—Until default shall be made in the payment of the interest upon the said bonds or some part of them, or until default shall be made in something herein required to be done by the company, the company, the party of the first part, shall operate, maintain and enjoy the said railway and every thing and right hereby mortgaged, and may take and use the rents, incomes, profits, tolls and issues thereof during the term of time the said bonds secured by this mortgage deed of trust shall run before maturity.

Second.—In case default shall be made in the payment of any interest on any of said bonds issued or to be issued according to the tenor thereof, or in case default shall be made in any of the requirements herein, which are or is to be done or kept by the company, the mortgagors, and if such default shall continue for the period of six months it shall then be lawful for the said trustees, and on the request of the holders of seventy-five per cent. in amount of the said bonds, and it shall be their duty personally or by their attorneys or agents, with or without process of law, full power and authority being hereby given for that purpose, to enter into and upon all and singular the premises hereby conveyed or intended so to be and each and every part thereof, and to have, hold and use the same for the benefit of the holders of said bonds issued under these presents, and to secure the payment of the interest thereon, operating by themselves or by his or their superintendent, manager, receiver or servants or other attorney or agent, the said railway, and conducting the business thereof and making from time to time all necessary repairs and replacements and paying all working expenses, and to collect and receive all tolls, freights, incomes, rents, issue and profits of the same and every part thereof, and from the proceeds of such receipts, after paying all the expenses and charges of operating the said railway and managing and conducting its business and the costs of said repairs and replacements, and all taxes, assessments and other necessary outlay, the said trustees shall pay the interest due and unpaid on said bonds in the order in which said interest became due and payable ratably to the persons entitled thereto, and after paying all interest on said bonds in payment of which default was made by the company, and all interest which shall have fallen due on said bonds thereafter, so that no interest shall remain unpaid, and no default shall exist in anything herein required to be done or kept by the company; then the trustees shall restore possession

sion of the property, railway, franchises and appurtenances to the company or its successors, and as often thereafter as said company shall so make default in the payment of interest or in anything to be done or kept by the said company, on such further request of said bondholders in number and amount as hereinbefore stated, said trustees shall take possession of all the property and effects hereby mortgaged or intended so to be, and operate said railway and property as hereinbefore provided and pay the interest in default of payment as provided above.

Third.—And it is further stipulated and provided for the purpose of giving additional and further security, and guarantee to insure prompt payment of the interest on said bonds as it shall mature and become due and payable according to the tenor of said bonds, that in case default shall be made at any time in the payment of any interest on any of said bonds issued under these presents, then the holders of the seventy-five per cent. in amount of said bonds shall have the right at any time after six months have elapsed after such default shall have been made in the payment of interest and said default then existing, to elect and declare the principal of all said bonds due and payable, and that then in such case the principal of said bonds shall be deemed due and payable by the terms thereof, anything contained in said bonds to the contrary notwithstanding, and that in such case or in case default shall be made in the payment of the principal of such bonds issued or to be issued under these presents when the same shall become due and payable according to the terms thereof, at the request of the said bondholders to the said amount, the said trustees shall immediately elect and declare the principal of all said bonds to be due and payable, and shall foreclose this mortgage deed of trust for the principal of all said bonds issued under these presents, and all the interest unpaid thereon, and enforce payment thereof as speedily as possible; instead of operating said railway and conducting the business thereof as herein provided for, in case of default being made in the payment of interest and the continuance of such default for a period of six months, and the said Toronto and Nipissing Railway Company in such case doth hereby irrevocably authorize and empower the said trustees on such request to proceed with and complete the foreclosure, in such way and by such means as the law will permit and allow, and in any court in the Province of Ontario having jurisdiction in such matters; and it is agreed the High Court of Justice shall have jurisdiction, and if such court shall deem it advisable the trustees may proceed by judicial process to make sale of the mortgaged property for the payment of the sums secured by this mortgage.

Fourth.—The board of directors of the company may from time to time by resolution require said trustees, by way of release or otherwise, to discharge from the operation of these presents any lands acquired or held for the purpose of stations, station grounds, sidings, depots, shops or purposes of the company,

pany, or which may be held for the supply of fuel, gravel or other materials, or any lands which may have become disused by reason of a deviation in the company's line, or a change of the location of any station, house, depot, shop, or other building or premises or any lands which the said board of directors may deem it expedient or desire to abandon by reason of such deviation or change, and which lands respectively shall, by resolution of said board, be declared to be unnecessary for the purpose and business of said company, and in every such case the said trustees, when so required, shall execute such releases and discharges accordingly, and it is hereby declared that any land or other property which may be acquired in substitution for lands so released or discharged, as well as any lands or other property subsequently acquired by the company for the use or convenience of its railway or in connection therewith, shall be deemed to come within the operation of these presents and be included therein, and shall be conveyed to and held by the said trustees upon the trusts of these presents.

Fifth.—If the Toronto and Nipissing Railway Company shall well and truly pay the bonds issued under these presents, and required to be paid by the company, and all interest thereon according to the tenor and effect of said bonds, and shall well and truly keep and perform all things herein required to be kept and performed by the company according to the true intent and meaning of these presents, then and in that case the estate, right, title and interest of said parties of the second part, and of their successors, in the trust hereby created, and all the equity of the bondholders in said property shall cease and determine, and become void without any formal release by the said trustees, but it shall be the duty of the said trustees to re-convey the property to the company, their successors or assigns by deed of release, but unless such payment is made these presents shall remain in full force.

Sixth.—It is mutually agreed by and between the parties hereto, that the word "trustee" as used in these presents, shall be construed to mean the trustee or trustees for the time being, whether one or both be original or substituted trustee or trustees, and whenever a vacancy shall exist to mean the surviving or continuing trustee, and such surviving or continuing trustee shall, during such vacancy, be competent to exercise all the powers granted by these presents to the parties hereto of the second part, and such trustees shall not in any manner be responsible for any default or misconduct of each other, and they shall be entitled to just compensation for all services which they may hereafter render in their trust, to be paid by the company, and either of the trustees or any successor may resign and discharge himself of and from the trust created by these presents, by notice in writing to the company and to the existing trustee, if there be such, ninety days before such resignation shall take effect, or such shorter notice as they may accept as adequate. In case a vacancy shall occur in said trusteeship by death, resignation or otherwise, the survivor of said trustees shall,

shall, from time to time and as often as the occasion shall arise, fill the same by appointment in writing, a duplicate copy of which appointment shall be deposited with the board of directors of the company, and the surviving trustee shall immediately execute all such conveyances and other instruments, and all such other documents as may be fit or expedient for the purpose of vesting the legal estate in the premises jointly in himself and the new trustee and their successors in the trust, and in case the trust shall become wholly vacant, or in case any vacancy shall not be filled within one month after it occurs, it shall then be lawful for the board of directors of the company, or their successors or assigns, by resolution under the seal of the company or their said successors, to nominate and appoint a trustee or trustees in the room or place of those who have died, refused to act or otherwise have ceased to be trustees within the provisions of this indenture, and the person or persons so from time to time appointed by the said board, shall, from and after their appointment and acceptance of the said trust, have, possess, hold and enjoy all the powers, rights and privileges of the trustees appointed in this mortgage, and the same shall become vested in him or them, as the case may be, by virtue of such appointment and without any further deed or formal conveyance. In case the directors of the company, or if any succeeding company should fail, after a reasonable time has elapsed, to appoint a successor in any vacancy which may have happened in the said trust, application may be made by the surviving or the continuing trustee, or by the holders of the said bonds to the aggregate amount of one million dollars to the Court of Chancery in the Province of Ontario, for the appointment of a new trustee or trustees, as the case may be.

Seventh.—And it is further agreed that the holders of any of the said bonds, after registration thereof, as provided in said bonds, may from time to time transfer the same on the books of the company as provided in said bonds.

Eighth.—That the bonds so to be created and which are secured by this mortgage, are to be issued in the manner and for the purposes above expressed in the recital to these presents.

Ninth.—And the Company hereby covenants and agrees that the said bonds, principal and interest, shall and will be paid to the several holders thereof, when and as the same respectively shall fall due, according to the tenor and effect of said bonds and coupons respectively, and that it, the company, will pay all taxes that may be assessed upon said mortgaged property, or any part thereof, so that said property shall be free from all liens or charges for taxes or assessments of whatever kind or nature. And the company hereby covenants with the said trustees, that they will make, do and execute all documents, acts and deeds which may be found necessary or requisite to fully carry out and to give full effect to the above mortgage deed of trust, and as may be deemed necessary to make the same a complete and effectual security for the purposes above mentioned and intended by these presents.

In

In testimony whereof, and in pursuance of the resolution of the board of directors of the company, and of the shareholders respectively, the said the company hath caused its corporate seal to be affixed to these presents at its office in the city of Toronto, and the same to be attested by the signatures of its president and secretary, and the said trustees have hereunto set their hands and affixed their seals to testify their acceptance of said trust, on the day and year first above written.

Signed, sealed and delivered }
in the presence of }
JOHN BELL.

The Toronto and Nipissing Railway Company, by

WM. GOODERHAM, *President.*
JOS. GRAY, *Secretary.*

WM. GOODERHAM, } *Trustees.*
R. WRIGHT,

CHAPTER 69.

An Act to incorporate the Western Counties Railway Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS William Buckingham and others have, by their petition, represented that it is desirable that a railway should be constructed from some point on the line of the Credit Valley or Great Western Railway, at or near the town of Woodstock, within the county of Oxford, to the town of Stratford, and thence to some point on Lake Huron, at or near the town of Goderich, and have prayed for an Act accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William Buckingham, David Scrimgeour, James G. Smith, William Gordon, William Mowat, Gilbert Horne, John Brown, M. J. Hanavan, M.D., Andrew Monteith, and D. D. Hay, M.P.P., together with such other persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by and under the name and style of "The Western Counties Railway Company."

2.

2. The said company shall have full power and authority to lay out, construct and complete an iron railway from some point on the line of the Credit Valley or Great Western Railway, at or near the town of Woodstock, within the county of Oxford, to the town of Stratford, and thence to some point on Lake Huron, at or near the town of Goderich, with full power to pass over any portion of the country between the points aforesaid. Location of line.

3. The said William Buckingham, David Scrimgeour, James G. Smith, William Gordon, William Mowat, Gilbert Horne, John Brown, M. J. Hanavan, Andrew Monteith and D. D. Hay, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected, under the provisions of this Act, by the shareholders, and shall have power and authority immediately after the passing of this Act to open stock books, and procure subscriptions or bonuses for the undertaking, to make calls upon the subscribers, to cause plans and surveys to be made and executed, and, as hereinafter provided, to call a general meeting of the shareholders for the election of directors, and with all such other powers as under the Railway Act are vested in ordinary directors. Provisional directors and their powers.

4. The capital stock of the company hereby incorporated shall be two hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into shares of fifty dollars each, which amounts shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the work hereby authorized, and all the remainder of such money shall be applied to purchasing the right of way, to the equipment and completion of the said railway, and the other purposes of the Act, and to no other purpose whatsoever. Capital.

5. So soon as fifty thousand dollars of the capital stock shall have been subscribed as aforesaid, and ten per centum paid thereon, and deposited in one of the chartered banks, having an office in the Province of Ontario, and which shall on no account be withdrawn therefrom except for the purposes of said company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company. Meeting for election of directors.

6. The notice of the time and place of holding such general meeting shall be given by publication in one paper published in the county of Perth, and in the *Ontario Gazette*, once in each week for the space of one month. Notice of meeting.

Business of
meeting.

7. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification
of directors.

8. No person shall be qualified to be elected as such director by the shareholders unless he represent at least ten shares in the company, and unless all calls thereon have been paid.

Ex-officio
directors.

9. The provisional or other directors of the said company are hereby authorized to constitute the head of any municipality subscribing for stock or granting bonuses an *ex-officio* director in said company, should the amount of aid granted by said municipality be sufficient, in the discretion of said directors, to entitle the said municipality to a representative on said board of directors, and said representative shall be entitled to vote.

Votes.

10. In the election of directors under this Act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to vote either in person or by proxy, and shall be entitled to as many votes as he holds shares upon which all calls have been paid up at the time of such meeting.

Quorum.

11. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Calls.

12. The directors for the time being may from time to time make calls as they shall think fit, provided no calls shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder, and four weeks' notice shall be given of each call, as provided in section six; said calls not to be made at closer intervals than three months.

Rights of
aliens.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Form of
conveyances.

14. Conveyances of land to the said company for the purposes of and under the powers given by this Act made in the form set out in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner

ner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates indorsed on the duplicates thereof.

15. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money, or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given, except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from municipalities.
Proviso.

16. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: (1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters; (2) in the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act; (3) in the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid; (4) in the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid. Provisions as to bonus by-laws.

17. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar Provisions for referring to arbitration disputes as to bonus by-laws.

registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expenses of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

“Minor municipality,” meaning of.

18. The term “minor municipality” shall be construed to mean any town not separate from the municipal county, township or incorporated village situate in the county municipality.

By-law, what to contain.

19. Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law; (2) for assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, warden, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

If by-law carried, council to pass same;

20. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

And issue debentures.

21. Within one month after the passing of such a by-law, the said council and the warden, reeve, or other head, and the other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Rate not exceeding three cents in the dollar valid.

22. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality

pality or portion thereof, beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

23. It shall further be lawful for the corporation of any municipality, in or through any part of which the railway of the company passes or is situate, by by-laws specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years, not exceeding twenty-one years, as such municipal corporation may deem expedient; and any such by-laws shall not be repealed unless in conformity with any condition contained in such by-law.

Exemption
from taxation

24. Whenever any municipality or portion of a township municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment, and completion of said railway, it shall be lawful for the company to enter into a valid agreement with such municipality, binding the company to expend the whole of such aid so given upon works of construction within the limits of the municipality granting the same, or upon such other portions of the said line of railway as the said municipality may see fit to direct; but such direction once given shall not be withdrawn, or in any way qualified.

Municipality
may direct
where its aid
shall be
expended.

25. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise

Trustees of
debentures.

Proviso.

wise

wise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of
debentures.

26. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Western Counties Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in the Schedule B hereto, or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures; and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.
Act of two trustees binding.

27. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

28. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed twelve thousand dollars per mile of the said railway: Provided further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges, and qualifications for directors, and

for

for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

29. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the Railway Act of Ontario and amendments thereto, with respect to "plans and surveys," by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan, and book of reference, of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act, and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference, for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act and the amendments thereof, with respect to "plans and surveys."

Construction
by ten mile
sections.

30. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or indorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize

Power to be-
come parties
to promissory
notes, &c.

authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Company may purchase additional lands.

31. Whenever it shall be necessary, for the purpose of procuring sufficient lands for stations or gravel pits, for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only; the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time, as they may deem expedient; but the compulsory clauses of the Railway Act shall not apply to this section.

Power to take material for construction or maintenance.

32. When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the Railway Act of Ontario, as varied and modified by the special Acts relating to the company as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to lay tracks to where materials are taken.

33. When said gravel, stone, earth, or sand shall be taken under the preceding sections of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of the special Acts relating to the company, except such as relate to the filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated; and such right may be so acquired for a term of years or permanently, as the company may

may think proper; and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

(2) In estimating the damage for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

34. The company incorporated by this Act may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such an agreement for the leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives, or other rolling stock, or moveable property from such companies or persons, and generally to make any agreement or agreements with any other companies so lawfully authorized, touching the use by one or the other, or by both companies of the railway, or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof: Agreements with other companies. Provided that the assent of at least two-thirds in value of the Proviso. shareholders shall be first obtained, at a general special meeting to be called for the purpose, according to the by-laws of the company, and the provisions of this Act, and the company or companies leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with its own line.

35. It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company, and it shall be lawful for the company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. Municipalities may allow company to lay its track on highways.

36. For the purpose of constructing, working, and protecting the telegraph lines to be constructed by the company on their line of railway, the powers conferred on telegraph companies by the Acts respecting electric telegraph companies, are Telegraph lines. hereby

hereby conferred upon the company, and the other provisions of the said Acts for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Power to
pledge bonds.

37. The company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures, or mortgage securities, which, under the provisions of this Act, can be issued for the construction of the said railway and its branches, or any of them.

Power to con-
struct or equip
line by con-
tract.

38. It shall be lawful for the directors to enter into a contract, or contracts, with any individual, or association of individuals, for the construction or equipment of the line, or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds, or in paid up stock: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders, present in person or by proxy, at a meeting specially convened for considering the same.

Municipalities
may make
gifts of land
for purposes of
railway.

39. Any municipality through which the said railway may pass, is empowered to grant, by way of gift to the company, any lands belonging to such municipality which may be required for right of way, station grounds or other purposes, connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land from any Government, or any person or body politic or corporate.

Power to erect
snow fences.

40. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Commence-
ment and com-
pletion of
railway.

41. The said railway shall be commenced within two years, and completed within seven years after the passing of this Act.

SCHEDULE A.

(Section 14.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendor*] in consideration of

dollars

dollars paid to me (or us) by the Western Counties Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*] in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release, all that certain parcel (or those certain parcels, as the case may be) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said Western Counties Railway Company, its successors and assigns, [*here insert any other clauses, conditions and covenants required*], and I (or we) wife (or wives) of the said do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and eighty

Signed, sealed and delivered }
in presence of }

[L.S.]

SCHEDULE B.

(Section 26.)

Chief Engineer's Certificate.

The Western Counties Railway Company's Office, Engineer's Department.

No.

A.D. 188 .

Certificate to be attached to cheques drawn on the Western Counties Railway Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for the Western Counties Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of [*here set out the terms and conditions, if any, which have been fulfilled.*]

CHAPTER 70.

An Act respecting the Weston and Duffin's Creek Railway.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Weston and Duffin's Creek Railway Company have petitioned for certain amendments to their Act of incorporation by changing the location of the line of said railway, and for other purposes; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

44 Vic., c. 78,
s. 2, amended

1. The second section of the Act passed in the forty-fourth year of Her Majesty's reign, and chaptered seventy-eight, is amended by inserting after the word "railway" where it first occurs in the fifth line from the end of said section, the following: "or to construct such railway from a point at or near Carlton, in the county of York, with power to connect at such point with the Credit Valley Railway, and to cross and connect at such point with the Grand Trunk Railway of Canada, and the Toronto, Grey and Bruce Railway; from thence crossing the Northern Railway of Canada, with power to connect with said Northern Railway; from thence crossing Yonge street at or near the north boundary of the village of Yorkville; from thence easterly, crossing the Grand Trunk and Toronto and Nipissing railways, with power to connect with said railways; thence proceeding easterly to a point at or near Port Union, with power to connect at such point with the Grand Trunk Railway."

Power to
extend line
and to connect
with other
railways.

2. The company shall have power to extend their line southward from the said village of Carlton, so as to connect with the Great Western Railway of Canada; and it shall be lawful for the company to make connections with the lines of any other companies which now or hereafter may have lines of railway entering into or passing through the city of Toronto, or its vicinity, the connections and crossings referred to in this and the preceding section to be in accordance with and under the provisions of the Railway Act of Ontario.

Power to pur-
chase wharves,
etc., and
build ele-
vators, etc.

3. It shall be lawful for the company to purchase, and hold wharves, piers, docks, water lots and lands at its eastern terminus at or near Port Union, and upon the said water lots and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses, and engine-houses, sheds, wharves, docks, piers, and other erections for the use of the company, and the steam and other vessels owned,
worked

worked or controlled by the company, and any other steam or other vessels, and collect wharfage and storage charges for the use of the same; and also to erect, build, repair, and maintain all moles, piers, wharves and docks necessary and proper for the accommodation and convenience of vessels entering, leaving, lying, and unloading within the same, and the said wharves, piers and docks, water lots, lands, elevators, storehouses, warehouses, engine-houses, sheds, and other erections, or any thereof, or any portion thereof, in its discretion to sell, lease or convey.

4. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time to ply on lakes, rivers and canals of the Province in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Power to
purchase or
build vessels.

5. Section fourteen of the said Act, passed in the forty-fourth year of Her Majesty's reign, and chaptered seventy-eight, is hereby amended by striking out the words "six hundred thousand" in the third line of sub-section one thereof, and substituting in lieu thereof the words "one million;" and sub-section two of said section fourteen is amended by inserting immediately after the word "shall," where it occurs in the second and eighth lines thereof, the words "without registration."

44 Vic., c. 78, s.
14, amended.

CHAPTER 71.

An Act to confer certain powers upon the Bell Telephone Company of Canada.

[Assented to 10th March, 1882.]

WHEREAS the Bell Telephone Company of Canada has, by its petition, represented that it was incorporated by an Act of the Parliament of Canada, passed in the forty-third year of Her Majesty's reign, chapter sixty-seven, and certain powers were conferred on the said corporation by the said Act; that under the authority thereof it has acquired the rights, business, and good-will of divers local telephone companies in this Province, and has constructed and erected and is now working telephone lines, and carrying on telephone operations in divers cities, towns and villages and other places in this Province; and that doubts have arisen as to the powers of the said company under the said Act, in regard to those portions of its

Preamble.

work and undertaking which are local and do not extend beyond the limits of this Province; and the said company has prayed that the necessary powers be conferred on it by the Legislature of this Province; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company
authorized to
exercise
powers herein
mentioned.

1. It shall be lawful for the company incorporated by chapter sixty-seven of the Statutes of Canada, passed in the forty-third year of Her Majesty's reign, known by the name of "The Bell Telephone Company of Canada," to exercise within the Province of Ontario the powers hereinafter mentioned.

Construction
and mainten-
ance of line.

Proviso.

Height of
poles, &c.

Proviso.

Proviso

Proviso.

Proviso.

Proviso.

2. The Bell Telephone Company of Canada may construct, erect, and maintain its line or lines of telephone along the sides of, and across or under, any public highways, streets, bridges, water-courses or other such places: Provided the said company shall not interfere with the public right of travelling on or using such highways, streets, bridges or water-courses, and provided that in cities, towns and incorporated villages, the company shall not erect any pole higher than forty feet above the surface of the street, nor affix any wire less than twenty-two feet above the surface of the street, nor carry any such poles or wires along any street without the consent of the municipal council having jurisdiction over the streets of the said city, town or incorporated village; and that in any city, town or incorporated village, the poles shall be as nearly as possible straight and perpendicular, and shall in cities be painted if so required by any by-laws of the council; and provided further that where lines of telegraph are already constructed, no poles shall be erected by the company in any city, town or incorporated village along the street where such poles are already erected, unless with the consent of the council having jurisdiction over the streets of such city, town or incorporated village: Provided also that in so doing the said company shall not cut down or mutilate any tree; and provided that in cities, towns and incorporated villages the opening up of the street for the erection of poles, or for carrying the wires under ground shall be done under the direction and supervision of the engineer or such other officer as the council may appoint, and in such manner as the council may direct, unless such engineer, officer or council, after one week's notice in writing, shall have omitted to make such direction; and provided also that the surface of the street shall, in all cases, be restored to its former condition by and at the expense of the company; and provided further, that whenever in case of fire it becomes necessary for its extinction or the preservation of property that the telephone wires should be cut, the cutting under such circumstances of any of the wires of the company, under the direction of the chief engineer or other officer

officer in charge of the fire brigade, shall not entitle the company to demand or claim compensation for any damages that might be so incurred.

3. The said company shall have power to purchase, lease or otherwise acquire and hold all such real estate as may from time to time be necessary and proper for the purposes and uses of the company, and also to sell, lease or otherwise dispose of, and to mortgage, pledge or incumber such real estate, or any part or parts thereof, from time to time, in such manner and on such terms as they may deem fit: Provided always that such real estate acquired for the purposes hereinbefore mentioned shall at all times be held exclusively for the purposes and uses of the said company as by this Act authorized, and not otherwise, and shall not exceed at any one time, when situate within the city of Toronto, the annual value of ten thousand dollars, when situate within any other city in the Province of Ontario, the annual value of five thousand dollars, when situate within any town in the Province of Ontario, the annual value of two thousand dollars, and when situate within any other municipality within the said Province of Ontario, the annual value of one thousand dollars.

Power to acquire real estate.

Proviso.

CHAPTER 72.

An Act to amend the Acts relating to the Canada Landed Credit Company.

[Assented to 10th March, 1882.]

WHEREAS the Canada Landed Credit Company, created and constituted a corporation by the Act passed in the twenty-second year of Her Majesty's reign, chaptered one hundred and thirty-three, which said Act was amended by the Act passed in the twenty-second year of Her Majesty's reign, chaptered one hundred and five, have prayed for certain alterations and amendments to the said Acts; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The proviso at the end of the forty-second section of the said Act, chaptered one hundred and thirty-three, that all real estate acquired by the said company in virtue of the said Act, except as therein mentioned, shall be sold and realized at public auction by the said company at any period not later than one year

Preamble.
22 Vic., c. 133,
s. 42, and 22
Vic., c. 105, s.
7, amended.
Extension of
time for hold-
ing land.

year from the acquisition of such real estate, and section seven of said Act, chaptered one hundred and five, which enacts that all such real estate, with the exception aforesaid, shall be sold by public auction within five years from the acquisition thereof by the said company, shall be and the same are hereby altered and amended so as to extend the said period to the term of seven years from the acquisition of such real estate, and the said lands may be sold by the said company by public auction or private contract, as to them may seem best.

CHAPTER 73.

An Act to amend the present Acts of incorporation of the City Light and Heating Company, of London.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the City Light and Heating Company, of London, have, by their petition, set forth that they desire to have their present Act of incorporation amended, in the terms hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name changed.

1. The name of the said company is hereby changed to the "City Gas Company of London."

Present issue of stock confirmed.

2. The present issue of capital stock of the said company of one hundred and twenty thousand dollars is hereby confirmed and legalized, and the same shall stand and be taken as paid-up capital stock in the said company: Provided always that nothing herein contained shall affect the rights of the existing creditors (if any) of the said company.

Increase of capital stock.

3. It shall be lawful for the said company to add to their present capital stock a sum not exceeding one hundred and thirty thousand dollars, so that the total capital of the said company may equal, but shall not exceed, two hundred and fifty thousand dollars, and to raise such additional capital stock either by subscription among the present shareholders, or by the admission of new shareholders, or partly in one way and partly in the other: Provided, however, that no such additional stock shall be issued until the issue thereof shall be sanctioned by a meeting of the present shareholders of the company, to be specially called for the purpose, and such additional stock shall be issued in such manner as shall be determined on at such meeting.

Proviso.

4.

4. The directors may pass by-laws for issuing, disposing of and allotting such additional capital stock at such rate of discount or premium, and in such manner as they may see fit, but no such by-law shall be valid or acted upon until the same has been confirmed at a general meeting of the shareholders called for the purpose of considering it.

By-laws for
issuing stock.

5. Every person subscribing for or taking any share in such additional capital stock shall have the same rights and be subject to the same provisions, rules and liabilities, except as herein otherwise provided, as the original subscribers and shareholders of the said company, and the various clauses of the Acts relating to the said company applicable to the shares and shareholders of the said company shall apply to the shares hereby authorized to be issued or subscribed for except so far as the same may be inconsistent with the provisions hereof.

Rights and
liabilities of
subscribers.

CHAPTER 74.

An Act to authorize the Gananoque Water Power Company to issue Debentures.

[Assented to 10th March, 1882.]

WHEREAS the Gananoque Water Power Company have, by their petition, prayed for the passage of an Act to enable them to issue debentures for the purpose of raising money to be used in carrying out certain works and improvements in connection with the water power, mentioned in the Act incorporating said company, as by said last mentioned Act is provided, such debentures to be for a sum not exceeding, in the whole, twenty-five thousand dollars; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. For the carrying out and making of the works and improvements mentioned in the preamble to this Act, the said company may borrow money to an amount not exceeding twenty-five thousand dollars, and for that purpose may issue debentures for a sum not exceeding the said amount, which debentures shall be a first charge upon all the personal and real estate of the said company for the payment of the principal and interest accruing due thereon: Provided always that a certificate of the number and of the amount of said debentures, as they are issued under the seal of the company, and

Issue of
debentures to
the amount of
\$25,000
authorized.

Proviso.

and signature of the president or secretary, shall, by said company, be filed in the office for the registration of titles to land for the county of Leeds, which certificates shall be open to the inspection of any person on the payment of twenty-five cents for each inspection, and for the filing and registry of each of such certificates the registrar shall be entitled to a fee of fifty cents, which certificate shall be registered in the general registry, and it shall only be necessary to register one certificate for each issue of debentures which may be determined upon.

Debentures to be issued on a resolution of the shareholders.

2. No debentures shall be so issued except authorized by a resolution carried at a general or a special meeting of the shareholders of the company called in accordance with the by-laws of the company, and on notice duly given for that purpose, which resolution shall be carried by a vote of not less than two-thirds in value of the shareholders then present, in person or by proxy, and entitled to vote at such meeting; and, unless otherwise directed by resolution of such special or general meeting, such debentures may be issued in such sums, and for such amounts, and in such currency, and at such a rate of interest, and payable at such time and place as to the directors may seem fit, and may be made payable to bearer or order, with or without coupons attached.

Resolution need not be confirmed.

3. It shall not be necessary to have the resolution authorizing the issue of such debentures confirmed at any subsequent meeting of the company.

Shareholders to be assessed for payment of debentures if necessary.

4. The directors of said company shall have power, and it shall be their duty so to do, from time to time, as the principal or interest shall accrue due on said debentures, and at least two months before any instalment of principal or interest shall fall due (provided the said company has not then sufficient money on hand to pay the amounts so accruing due on said debentures), to make an assessment and call *pro rata* upon all the shares of said company, to meet said indebtedness.

Payment of assessment.

5. All shareholders of the company shall pay the amount so assessed within thirty days after notice of such assessment shall have been mailed to him, prepaid and registered, and directed to his last known post-office address.

Penalty if default made in payment of assessment.

6. If any shareholder of the company for thirty days after notice of said assessment or call shall have been mailed to him as aforesaid, refuses or neglects to pay said assessment or call, the directors of the company shall have power, during the continuance of such default, to cut off the water of which any shares held by said shareholder consists, and the company may sue for and recover such assessment or call, with costs of suit, in any court of competent jurisdiction; and such shareholder shall not be entitled to use any such water until and unless he shall

shall have paid such assessment or call, and the costs of cutting off such water, as aforesaid, and any other costs incurred by the company, and occasioned by such default, as aforesaid.

7. Whenever any action shall be brought to recover such assessment or call, the certificate of the secretary of the company, specifying such assessment or call, and the amount due to the company thereunder, from the shareholder sued, shall be received as *prima facie* evidence in any court in this Province.

8. Debentures may be issued in the form A hereto annexed, ^{Form of} or in such other form as to the directors may seem fit. _{debentures.}

SCHEDULE A.

Gananoque Water Power Company.

Debenture No. Transferable \$
Under the authority of an Act of the Legislature of Ontario,
Victoria, chapter .

The President and Directors of the Gananoque Water Power Company promise to pay to _____ or { order } { bearer } the sum of _____ dollars on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____, at _____ with interest, at the rate of _____ per cent. per annum, to be paid half yearly, on presentation of the proper coupon for the same, as hereunto annexed, say on the _____ day of _____ and the _____ day of _____ in each year, at _____.

Dated at _____ the _____ day of _____, 18 _____.

For the President and Directors of the Company.
C. D. A. B.

COUPON.

No. 1.	\$	half-yearly dividend
due	of	18 , on debenture
No.	issued by this company on the	day of
	, 18 , for \$	at
per annum, payable at		per cent.

For the President and Directors.

C. D., Secretary. A. B.

CHAPTER 75.

An Act respecting the Gatling Gold and Silver Mining Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Gatling Gold and Silver Mining Company did sell to the Canada Consolidated Gold Mining Company all their estate, real and personal, and afterwards did, in pursuance of the said sale, grant, bargain, sell and convey to the said the Canada Consolidated Gold Mining Company all the said estate; and whereas the said purchasers are now in possession of the property so purchased, and have paid in full therefor; and whereas the said the Gatling Gold and Silver Mining Company have petitioned for an Act confirming the said sale; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Election of
directors confirmed.

1. The directors of the Gatling Gold and Silver Mining Company elected at the meeting of the shareholders held at the village of Deloro, in the county of Hastings, on the twenty-ninth day of September now last past, are hereby declared to have been duly elected, and for the purpose of winding up the affairs of the company shall be and remain the directors of the said company until the affairs are finally closed and wound up, and all acts heretofore or hereafter lawfully done by them shall (for said purposes) be binding on all parties interested therein.

Deeds confirmed.

2. All deeds, transfers and conveyances heretofore lawfully made by the said the Gatling Gold and Silver Mining Company to the Canada Consolidated Gold Mining Company shall be and shall remain valid and binding to all intents and for all purposes.

CHAPTER 76.

An Act respecting the Hawkeye Gold and Silver Mining Company.

[Assented to 10th March, 1882.]

WHEREAS by the Act of the Legislature of Ontario, passed Preamble. in the forty-fourth year of Her Majesty's reign, and chaptered fifty-three, the Hawkeye Gold and Silver Mining Company was declared to have power to sell and dispose of its estate, real and personal; and whereas the said company, with the consent and approval of the shareholders, did, by an indenture bearing date the twentieth day of May, in the year of our Lord one thousand eight hundred and eighty-one, and made between the said the Hawkeye Gold and Silver Mining Company of the first part, and the Canada Consolidated Gold Mining Company of the second part, which indenture was registered in the registry office of the county of Hastings, on the third day of August, in the year of our Lord one thousand eight hundred and eighty-one, as number one thousand six hundred and twenty-one, for the township of Marmora, grant, bargain, sell and convey to the said the Canada Consolidated Gold Mining Company all their said estate, and did from the said purchasers receive the purchase money for the said property; and whereas the parties desire to have the said sale and conveyance confirmed, and have petitioned accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said deed and conveyance above mentioned are hereby confirmed and declared valid for the purpose of vesting in the Canada Consolidated Gold Mining Company the property of the said the Hawkeye Gold and Silver Mining Company therein described and intended to be conveyed. Deed in preamble mentioned confirmed.

CHAPTER 77.

An Act to amend the Act incorporating the Midland Land Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Midland Land Company have petitioned that an Act may be passed to amend the Act incorporating the said company, and to extend the powers conferred on the said company, and for other purposes; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to acquire additional lands.

1. It shall be lawful for the company, if at a general meeting or meetings of the shareholders duly called for the purpose, and by a vote of not less than two-thirds in value of the shareholders present at any such meeting, in person or by proxy, it is declared expedient and necessary for the due carrying out and completion of the purposes of the company, to purchase additional lands in the township of Tay, in the county of Simcoe, adjacent to and in the neighbourhood of the lands mentioned in the said Act, and to hold, use, enjoy, and deal with such additional lands in manner provided by the said Act and by this Act, with respect to the other lands held or owned by said company: Provided, however, that such additional lands to be purchased under this Act shall not in the whole exceed one thousand acres.

Power to distribute moneys realized amongst the shareholders.

2. Whereas upon the whole of the lands acquired, or to be acquired, by the company, under the said Act and this Act, being sold or disposed of, and the purchase moneys thereof realized, the purposes of the company will be accomplished, but no express provision for distribution of the avails or proceeds of said lands amongst the shareholders has been made, and it is expedient to provide therefor, as by this section is hereinafter provided; therefore it is hereby declared and enacted that it shall be lawful for the directors from time to time as moneys, being the proceeds or avails of sales of portions of the said lands, shall be realized and in hand, to distribute the clear residue of the said moneys, after providing for all expenses, amongst the shareholders, *pro rata*, according to their rights and interests in the company, and so from time to time, until the whole of the property of the company shall have been realized and distributed in manner aforesaid; and, whenever required and directed by the shareholders, by a vote of not less than two-thirds in value of said shareholders then present, in person or by proxy, at any special or general meeting of such shareholders

holders duly called for the purpose, in order to effect any such distribution, to make sale of or pledge the mortgages and other securities for purchase moneys, which by the said Act the company may take or receive, upon such terms as may be directed, and any instrument or instruments transferring such mortgages and other securities, so to be made or executed by or on behalf of the company, in pursuance of such direction, is and shall be valid and effectual, to vest the said mortgages and other securities in the transferee and his representatives to the same extent and in as ample a manner as the same were vested in the company, subject only to the terms and conditions, if any, of the said instrument or instruments: *Provided*, however, that no such distribution be made until the whole of the subscribed capital stock of the company be fully paid up, nor while any debt of the company other than the obligations (if any) of the company created upon or under any pledge as aforesaid of any such securities is unpaid; nor unless nor until one month shall have expired after the insertion of a notice for one month in the *Ontario Gazette*, and also once in each week during the same time in a newspaper published in the city of Toronto, and likewise in a newspaper (if any) published in the village of Midland, calling upon all persons having claims against the said company, to present the same to the said company, and notifying all such creditors of the intention to make distribution as aforesaid under the terms of this Act.

Proviso.

3. The directors of the company may, after the sanction of the shareholders shall have been first obtained, by a vote of not less than two-thirds in value of the said shareholders present, in person or by proxy, at a general meeting to be called from time to time for such purpose, borrow from time to time for the purposes of the company, either in this Province or elsewhere, such sums of money, not exceeding in the whole four hundred and fifty thousand dollars, as may be expedient for carrying out the purposes of the company, and at such rates of interest as they may deem proper, and may issue bonds, debentures, or other securities for the sums so borrowed, and make the same payable either in currency or sterling, and at such place or places, within the Province or elsewhere, as may be deemed advisable, and may sell the same at such prices as may be deemed expedient, and hypothecate, mortgage, or pledge the lands, securities, and other property held by the company, for the due payment of the said sums and the interest thereon; but no such bond or debenture shall be for a less sum than one hundred dollars; and such bonds, debentures, and securities shall be made and signed by the president or vice-president of the company, and be under the seal of the company: *Provided* that in the event of the exercise of the powers conferred in this section, the company shall not thereafter exercise the powers of sale or pledge, or of distribution mentioned in the preceding

Power to borrow and issue bonds.

Proviso.

preceding section, while any bonds, debentures or securities issued in pursuance of this section remain unsatisfied.

Time for sale
of land ex-
tended.

4. The period at which the portions of the lands of the company not actually sold or disposed of shall revert to and become the property of Her Majesty and her successors, is hereby extended to fifteen years from the passing of this Act.

CHAPTER 78.

An Act to amend the Charter of the Ontario Trust Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Ontario Trust Company are a company duly incorporated under the provisions of the Revised Statutes of Ontario, chapter one hundred and sixty-four, intituled "An Act respecting Building Societies;" and whereas the said company have, by their petition, represented that the Canada Loan Company, a corporation organized within Ontario under the laws relating to building and loan societies, having its head office at the city of Hamilton, in the said Province, has sold all its mortgages and other securities and assets to the said the Ontario Trust Company; and whereas the said the Ontario Trust Company have petitioned for an Act to vest in them, the said the Ontario Trust Company, all and every the mortgages and other securities of the said loan company, and to enable the said the Canada Loan Company to receipt and receive the purchase money arising from such sale, and to distribute the same to the shareholders of the said company, and to wind up the affairs of the said the Canada Loan Company; and it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assets of the
Canada Loan
Company
transferred to
the Ontario
Trust Com-
pany.

1. All the indentures of mortgage, the covenants, powers, authorities and agreements therein contained, and the moneys thereby secured, and all land vested in or owned by the Canada Loan Company, and all other the assets of the said company, save the purchase moneys paid or payable therefor by the said the Ontario Trust Company are for all the estate and interest of the said the Canada Loan Company, hereby vested in and declared to be the property of the said the Ontario Trust Company, as fully and to the same extent, and for the same estate, as if the said mortgages, lands and other securities had been originally

originally taken by or made to the said the Ontario Trust Company, and they shall be entitled to sue or otherwise proceed on or in respect of the said mortgages, lands and securities in the name of the said the Ontario Trust Company as fully as the said the Canada Loan Company might do if this Act had not been passed.

2. The purchase moneys so paid or payable as aforesaid by the Ontario Trust Company for the said mortgages and securities shall be applied by the directors of the Canada Loan Company as follows: (1) In paying all the debts and liabilities of the said the Canada Loan Company; (2) in paying the cost of negotiating and carrying out the sale of the said assets and securities and of procuring this Act, and of carrying out the provisions thereof, and of paying the expenses of closing and winding up the business of the said company; (3) in paying back to the shareholders of the said the Canada Loan Company, according to the share register of the said company at the date of distribution, the amount of the capital stock subscribed and paid in to the said company, with interest or dividend at the rate of seven per centum per annum, from the date of last dividend paid by the said the Canada Loan Company; (4) in paying the residue, if any, to the shareholders of the said company according to their respective rights therein.

Application of
purchase
money by
Canada Loan
Company.

3. In the event of the death of any shareholder without administration being taken out, or in the event of any shareholder refusing to accept repayment of the moneys payable to him under the last preceding clause hereof, or in the event of the same not being claimed within three months after the date of general distribution, the directors shall pay into the High Court of Justice to the credit of such shareholder or shareholders, the amount which may be due in respect of such shares and premium, and shall mail a notice in writing or print to the last known address of such shareholder of such payment into Court, and such payment shall absolve and discharge such directors and the said the Canada Loan Company from all liability to such shareholders in respect of such shares, and the moneys arising therefrom and the moneys so paid shall thereafter be paid out by order of said court or a judge thereof to the party entitled thereto.

Discharging
claims of
shareholders
by payment
into bank.

4. From and after the passing of this Act the said the Canada Loan Company shall cease to do business as a loan company, except for the purposes of carrying out the provisions of this Act and winding up the said company, and they shall not be liable to make any further returns under the provisions of the Acts relating to building and loan societies.

Canada Loan
Company to
cease business.

CHAPTER 79.

An Act to amend the Act of incorporation of the
Rossin House Hotel Company.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Rossin House Hotel Company was incorporated by an Act of the late Province of Canada passed in the twenty-ninth and thirtieth years of Her Majesty's reign, and chaptered one hundred and twenty-four; and whereas the said company has, by its petition, prayed that the capital stock of the company be increased from one hundred thousand to two hundred thousand dollars, and that the borrowing powers of the said company and the purposes for which it may borrow may be altered, and that the said Act of incorporation may be further amended, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

29 and 30 Vic.,
c. 124, s. 4
repealed.
Borrowing
powers.

1. Section four of the said Act of incorporation is hereby repealed, and the following substituted in lieu thereof:

The said company may from time to time borrow money to the extent of three-fourths of the assessed value of the land and buildings owned by the said company, as the said assessed value shall appear in such assessment rolls for the city of Toronto, as shall at the date of such loan be the then latest confirmed assessment rolls, when at any general or special meeting of shareholders called in accordance with the by-laws of the company and on notice for that purpose, a vote to that effect shall be carried by two-thirds of the votes at the said meeting rendered personally or by proxy; and as security for the moneys so borrowed, the said company may mortgage the whole or any part of its real and personal estate, and may insert in the instrument of mortgage all such powers of sale and other powers and covenants as are usual and proper in a mortgage from a private individual.

Increase of
capital stock.

2. It shall be lawful for the said company to add to their present capital stock a sum not exceeding one hundred thousand dollars, so that the total capital of the said company may equal, but shall not exceed, two hundred thousand dollars, and to raise such additional capital stock either by subscription among the present shareholders, or by the admission of new shareholders, or partly in one way and partly in the other: Provided, however, that no such additional stock shall be issued until the same shall be sanctioned by a meeting of the present shareholders of the company, to be specially called for the purpose,

Proviso.

purpose, and such additional stock shall be issued in such manner as shall be determined on at such meeting.

3. Every person subscribing for or taking any share or shares in such additional capital stock shall have the same rights and be subject to the same provisions, rules and liabilities, except as herein otherwise provided, as the original subscribers and shareholders of the said company, and the various clauses of the said recited Act applicable to the shares and shareholders of the said company shall apply to the shares hereby authorized to be issued or subscribed for except so far as the same may be inconsistent with the provisions hereof.

Rights and liabilities of subscribers.

CHAPTER 80.

An Act to amend the Act incorporating the Toronto House Building Association.

[Assented to 10th March, 1882.]

WHEREAS the Toronto House Building Association have petitioned that an Act may be passed changing the name of the said corporation, and authorizing the said corporation to increase the capital stock thereof; to extend the powers of the said corporation; and to further amend the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "An Act to revive and amend the Act incorporating the Toronto House Building Association," so as to enable the said corporation to extend its operations; and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the said corporation "The Toronto House Building Association" is hereby changed to that of "The Land Security Company;" and from and after the passing of this Act the said corporation shall be called and known as "The Land Security Company;" and the above-mentioned Act shall be amended by substituting the word "Company" for the word "Association," wherever the latter word may appear in the several sections of the said Act, except in the first section thereof.

Name changed.

2. The said corporation, under its new name, shall not be deemed to be a new corporation, but it shall continue to exercise all the rights, powers and privileges that, prior to the passing of this Act, have been held, exercised, and enjoyed by

Company not to be deemed a new corporation.

by the said "The Toronto House Building Association," in as full and ample a manner as if the said corporation had continued to exist under its original name, subject, after the passing of this Act, only to the amendments in this Act contained; and all real and moveable property, shares, or stock, obligations, debts, rights, claims, and privileges of the said "The Toronto House Building Association" shall, after the passing of this Act, be held by and vested in the said corporation, under its new name, and all the shareholders in the said corporation shall continue shareholders in all respects as before such change of name; but all legal and other proceedings prior to the passing of this Act, begun by or against "The Toronto House Building Association," may be continued under the name or under the style of cause in which they have been instituted.

36 Vic., c. 128,
s. 2, amended.

3. The second section of the said Act is hereby amended by inserting and adding after the word "Province," in the fourteenth line thereof, the following words: "and may purchase mortgages of real estate, whether of freehold or leasehold, that may be approved of by the directors, and may re-sell the same as they may deem advisable, and for that purpose may execute such assignments or other instruments as may be necessary for carrying the same into effect."

Sec. 3
amended.

4. The third section of the said Act is hereby amended by striking out the words "four hundred thousand," in the last two lines thereof, and by substituting therefor the words "one million," and by adding thereto the following subsections:—

(1) Any new stock of the said company to be issued on any such increase of the capital stock shall be allotted to the then shareholders of the said company, either at par or at such a rate of premium as may be determined by the directors: Provided always that any of such increased stock, which shall not be taken up and subscribed for by any shareholder within the time prescribed by the directors, may be offered for subscription to the public in such manner and on such terms as may be determined by the directors;

(2) It shall not be obligatory upon the said company to open books of subscription, or to sell or allot the whole amount of stock authorized by this Act; but the said company may, from time to time, limit the number of shares for which books of subscription shall be opened, or which shall be allotted, offered for sale, or otherwise disposed of, to such amount as may be, from time to time, agreed and decided upon by a vote of not less than two-thirds in value of the shareholders present, in person or by proxy, at any meeting of the shareholders called for that purpose.

5. The fifth section of the said Act is hereby amended by Sec. 5 amended. inserting the words "may receive money on deposit, and" after the word "directors," in the first line thereof, and by striking out the words "paid up" in the last line of the said section, and by substituting therefor the word "subscribed," and by adding to the said section the following words: "and provided further, that the aggregate of such bonds or debentures shall not exceed the amount of moneys invested in mortgages, or other real estate securities, and provided moreover that the total amount of money so received on deposit, shall not in the whole, at any one time, exceed the amount of the paid-up and unimpaired capital stock of the company, and that the total liabilities of the said company shall not at any time exceed the amount of principal money remaining unpaid on the mortgages or other real estate securities at such time held by the said company; and that in estimating¹ the liabilities of the company, the amount of cash actually in the hands of the company, or deposited to its credit in any chartered bank, shall be deducted therefrom."

6. The sixth section of the said Act is hereby amended by Sec. 6 amended. adding the following words after the word "assignable," in the second line thereof: "and any transfer of the share or other interest of a deceased shareholder, made by his personal representative, shall, notwithstanding such personal representative may not himself be a shareholder, be of the same validity as if he had been a shareholder at the time of his execution of the instrument of transfer."

7. The seventh section of the said Act is hereby repealed, Sec. 7 repealed. and the following substituted therefor:—

7. At all meetings of the company each shareholder shall Scale of votes. be entitled to give one vote for every share held by him, upon which all calls then due have been paid for not less than fourteen days prior to the time of voting; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder and qualified to vote; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes; and provided that if any share stands in the name of two or more persons, the first named in the transfer book of the company may, as regards voting at meetings, receipt of dividends, service of notices, and all other matters connected with the company (except transfer), be deemed the sole holder thereof; no share in the company shall be subdivided.

8. The eighth section of the said Act is hereby amended by Sec. 8 amended. inserting before the first words thereof the following words: "The head office of the company shall be at the city of To-

ronto, and," and by striking out the word "nine" in the second line thereof and by substituting therefor the words "not less than seven nor more than nine," and by striking out the word "five" in the fourth line thereof and by substituting therefor the word "four," and by adding thereto the following words: "Provided that the directors may from time to time change the day above named for holding the annual general meeting of the shareholders, and may appoint any other day between the first day of January and the first day of April in any year, for holding such annual general meeting; and the directors elected at the last general meeting shall continue to be the directors of the company until the day to be named for such annual general meeting."

Sec. 9
amended.

9. The ninth section of the said Act is hereby amended by striking out the word "herein" in the second line thereof.

Sec. 17 re-
pealed.

10. The seventeenth section of the said Act is hereby repealed.

Amalgama-
tion of the
company
with other
companies.

11. Subject to the provisions hereinafter in this Act contained, it shall be lawful for the company to unite, amalgamate and consolidate its stock, property, business and franchises, with the stock, property, business and franchises of any other company or society incorporated or chartered to transact a like business, or any building, savings or loan company or society, heretofore or hereafter incorporated or chartered, or to purchase and acquire the assets of any such company or society, and to enter into all contracts and agreements therewith necessary to such union, amalgamation, consolidation, purchase, or acquisition.

Directors
empowered to
enter into
agreement
for the
purpose.

12. The directors of the company, and of any other such company or society, may enter into a joint agreement, under the corporate seals of each of the said corporations, for the union, amalgamation or consolidation of the said corporations, or for the purchase and acquisition by the company of the assets of any other such company or society, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new corporation, with such other details as they shall deem necessary to perfect such new organization, and the union, amalgamation and consolidation of the said corporations, and the after management and working thereof, or the terms and mode of payment for the assets of any other such company or society purchased or acquired by the company as aforesaid: Provided always that the name of such new corporation shall be such only as could have been lawfully given thereto by or under this Act if such name had been specially designated herein.

13. Such agreement shall be submitted to the shareholders of each of the said corporations, at a meeting thereof, to be held separately for the purpose of taking the same into consideration. Notice of the time and place of such meetings, and the objects thereof, shall be given by written or printed notices, addressed to each shareholder of the said corporations respectively, at his last known post-office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of such corporations, and in the *Ontario Gazette*, once a week for two successive weeks. At such meetings of shareholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and the said ballots being cast in person or by proxy; and if two-thirds of the votes of all the shareholders of each of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement by the secretary of each of such corporations, under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the shareholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Provincial Secretary, and the said agreement shall from thence be taken and deemed to be the agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition by the company of the assets of such company so selling, as the case may be, and a copy of such agreement so filed, and of the certificates thereon properly certified, shall be evidence of the existence of such new corporation.

Agreement to be submitted to shareholders for approval.

Proceedings at meetings.

Certificate and filing thereof.

14. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding sections, and the filing of the said agreement, as hereinbefore provided, the several companies or societies, parties thereto, shall be deemed and taken to be consolidated and to form one corporation by the name in the said agreement, provided with a common seal, and shall possess all the rights, privileges and franchises of each of such corporations.

Effect of agreement.

15. Upon the consummation of such act of consolidation and amalgamation as aforesaid, all and singular the business property, real, personal, and mixed, and all rights and incidents appurtenant thereto, all stock, mortgages, or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations, or either of them, shall be taken or deemed to be transferred to and vested in such new corporation without further act or deed: Provided, however, that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation or amalgamation, and all debts, liabilities and duties of either of the said corporations shall thenceforth

Property vested in new corporation.

Proviso - certain rights saved.

Proviso.

forth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities, and duties had been incurred or been contracted by it; and provided, also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated or amalgamated, or either of them, shall abate or be affected by such consolidation or amalgamation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

FR 81.

An Act to incorporate Elgin College.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS it has been represented to the Legislature of this Province that the Reverend Abraham B. Sherk, of the village of Port Elgin, in the county of Bruce, has purchased from Hugh McLaren, of Port Elgin aforesaid, certain lands situate in the said village, and particularly described in the conveyance thereof from said Hugh McLaren to the said the Reverend Abraham B. Sherk, which conveyance bears date the seventh day of May, one thousand eight hundred and eighty-one, on which said lands are erected suitable buildings for a literary and theological college for a general or higher scholastic education of students in the different branches of learning, and for the education and training of students preparing for the ministry of the denomination of the United Brethren in Christ; and whereas by deed bearing date the first day of December, one thousand eight hundred and eighty-one, the said the Reverend Abraham B. Sherk has transferred the said lands to the trustees hereinafter named upon the trusts in the said deed set out; and whereas the said trustees have, by their petition, asked for an Act of incorporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
and corporate
name.

1. The Reverend Abraham B. Sherk, George W. Bowman, Moses Eby, Enoch Eby, and Duncan Currie, of Port Elgin, the Reverend George Plowman, of Freeport in the county of Waterloo, the Reverend David B. Sherk, of Berlin, James Wing, of New Dundee, William Erb, of Bloomingdale, Ebenezer G. Woodward, of Hawksville, and Noah Bowman, of West Montrose, in the county of Waterloo, Abraham Tice, of Font-hill,

hill, Philip Green, of Sheffield, in the county of Wentworth, William Michener, of the township of Moulton, and John Hershey, of the township of Bertie, being the trustees named in the trust deed mentioned in the preamble to this Act, and all other persons who shall hereafter become trustees in accordance with the terms of the said trust deed and of any constitution, by-laws, or regulations which may be adopted by the Ontario Conference of the United Brethren in Christ, shall be and are hereby constituted and declared to be a body corporate, by the name, style and title of "The Trustees of Elgin College," and by that name, may and shall have perpetual succession and a common seal, with power to break, alter, and change the same at pleasure, may sue and be sued, contract and be contracted with in the said corporate name for all or any of the objects aforesaid; and the said trustees and their successors shall have full power to make and establish a constitution and all such, and so many rules, orders, by-laws and regulations, not being contrary to the laws of this Province, or this Act, as they shall deem useful or necessary as well concerning the system of education to be observed and followed in the said College, as for the conduct and government thereof, and for the superintendence, advantage and improvement of all property, real or personal, which may belong to the said corporation: Provided always that no constitution, rule, by-law, order, or regulation which shall be made and established by the said corporation, in manner aforesaid, shall be of any force or effect until the same shall have been sanctioned by a vote of at least two-thirds in number of the trustees present at any regular meeting. Proviso.

2. The said corporation shall be able and capable in law to take, purchase and hold by any legal title whatsoever, all such lands, tenements, possessions and property, real and personal, as may be necessary for the actual use and occupation of the said college, and for residences for the professors, tutors, students and officers thereof, with gardens or pleasure grounds pertaining thereto, already conveyed, or hereafter to be conveyed to the said trustees, and to accept and hold, within the limits hereinafter prescribed, for the benefit of the said college, any gifts, devises or bequests of any property, real or personal, to sell and alienate any property so given, devised or bequeathed, and to apply the proceeds of such sale or sales for the use and benefit of the said college, and to invest such moneys as they deem advisable upon such securities as to the said trustees shall seem meet: Provided that no gift or devise of any real estate or of any interest therein in favour of the said corporation shall be valid unless made by deed or will executed by the donor or testator, at least six months before his death; and provided always that real estate not required for the use and occupation of the said college, or for the residences of the professors, tutors, students and officers thereof as aforesaid, shall not at any time be held by it for a longer period than seven years, Power to acquire and hold property.
Proviso.

years, and that any such real estate not sold and alienated within seven years of the time when the same is received by the said corporation, shall revert to the party from whom it came to the corporation, or to his or her heirs or devisees.

Power to
appoint
attorney.

3. Subject to the other provisions of this Act, the said corporation shall further have the right to appoint an attorney or attorneys for the management of its affairs, and all other the usual rights, powers and franchises incidental to a body corporate.

Appointment
and removal
of professors,
officers, and
servants.

4. The said trustees and their successors shall be the controlling body of the said college, and shall have full and exclusive power and authority as to the appointment and dismissal of all professors, tutors and teachers, and all officers and servants of the said college, and for and in respect of every matter and thing connected with the control, maintenance and regulation thereof, but subject to all the laws of this Province in that behalf.

Appointment
and removal of
trustees.

5. The said Conference shall have full power and authority to appoint, dismiss, or remove trustees, and to appoint new trustees from time to time, in accordance with the terms of the said trust deed, and of any constitution, by-laws, or regulations in that behalf, which may, in accordance with the terms of the said trust deed, be adopted by the said Conference.

Meetings of
trustees.

6. The first regular meeting of the said trustees shall be held in the village of Stevensville, in the county of Welland, on Friday, the twenty-first day of April next after the passing of this Act, at the hour of two o'clock in the afternoon, of which such first public meeting notice shall be given by advertisement published for two weeks prior thereto in the newspaper called the *Weekly Globe*; and thereafter all the meetings of the said trustees, regular and special, may from time to time be held at such time and place, and at such intervals, and in such manner, and subject to such rules as may be determined by the said trustees by any constitution, by-laws or regulations, so to be adopted by them as aforesaid.

Election of
officers.

7. The said corporation may elect such officers thereof from time to time as may be provided for by any such constitution, by-laws or regulations, so to be adopted by them as aforesaid, and in such manner and for such term as may be provided for by such constitution, by-laws or regulations: Provided, however, that any person appointed treasurer of the said corporation shall, before entering upon his duties as such, find good and sufficient security to the satisfaction of the said trustees for the due performance of the trusts reposed in him.

Proviso.

8. All property which shall at any time belong to the said corporation, as well as the revenues from it, shall at all times be exclusively applied and appropriated to the purposes of the said college.

9.

Application of
property and
revenue.

9. The said corporation may raise by way of loan, for the purposes of the said corporation, any sum of money they may from time to time require, for the purpose of enlarging or improving their buildings, or for paying or continuing any loan, or for paying off or discharging the whole or any part of the mortgage incumbrance now upon the said lands, and, for securing the repayment of such borrowed money, the corporation may grant a mortgage or mortgages upon their property by deed under the corporate seal thereof.

Power to borrow money on mortgage.

10. Any mortgagee under this Act shall not be bound to see to the application of the money lent.

Mortgagees not bound to see to application of money.

11. It shall be the duty of the said corporation at all times when they may be called upon so to do by the Lieutenant-Governor of this Province, to render an account of their property, in which shall be set forth, in particular, the income by them derived from property held under this Act, and the source from which the same has been derived, and also the number of professors and teachers employed in the said college, and the number of scholars under instruction, and the course of instruction pursued.

Return to be made when required by the Lieut.-Gov.

CHAPTER 82.

An Act to authorize Gilmour & Company to make certain improvements in the River Moira.

[Assented to 10th March, 1882.]

WHEREAS the firm of Gilmour & Company are now engaged in the manufacture of sawn lumber, and for the purpose of their mills, at Trenton, require to bring saw-logs and material down the Moira River from their limits and lands in the vicinity of the said river and its tributaries; and whereas the said river, where it passes through the townships of Rawdon, Marmora, Madoc, and the lands east of the Hastings road, number one, requires improvements in order to get the said saw-logs to their said mills; and whereas the said Gilmour & Company have, by their petition, prayed for an Act authorizing them to make the said improvements, and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said Gilmour & Company shall, in the said River Moira, where it passes through the said townships and lands above

Power to erect piers, dams and other works.

above in the preamble to this Act mentioned, have the right and full power to erect and maintain piers, dams and works such as may be requisite to enable them and all others using the said river for the navigation of saw-logs, timber and other material, to float the said logs and material down the said river : Provided always that each of the said dams respectively shall be provided with a slide and the appliances now required by law in the case of mill dams on streams used for the purpose of floating down logs and timber.

Proviso.

Plan of works to be prepared before commencement thereof.

2. Before the said works are commenced a plan and specification thereof shall be prepared and certified by the person making the same, shewing the lots on which the said proposed works respectively will be situate, and the character of the proposed work, with the height of any dams, and the size of piers, and such other information as to the fall in the river, its width and such like, as may be necessary to understand the said plan and what is proposed to be done; but the said works shall not in any municipality be proceeded with until the consent of the council of said municipality is obtained, or failing such consent, then only upon the approval of the Lieutenant-Governor in Council being first thereto and therefor had and obtained, and notice in writing shall be given to such non-consenting municipality of any intended application to the Lieutenant-Governor in Council for such approval as aforesaid.

Copy of plan to be filed with Commissioner of Public Works, and notice of filing published.

3. A copy of the said plan so certified shall be filed with the Commissioner of Public Works for the Province of Ontario, and notice of said filing shall be published for the space of one month in one or more newspapers published in the county of Hastings, and the said Gilmour & Company may, after the expiration of said month, and after first obtaining the approval of the Commissioner in respect of said plans, and subject to the other provisions of this Act, proceed with the said works.

Power to make surveys, &c.

4. The said Gilmour & Company may enter upon any of said lands and take levels, make surveys, and do such reasonable acts as may be necessary for the purpose of getting the information to enable them to prepare said plans and information.

Compensation to owners of lands injured.

5. For all lands flooded or injured by reason of the said dams or works and which have been patented or agreed to be sold by the Crown, the said Gilmour & Company, their heirs or their assigns, shall, to the owners, tenants and lawful occupiers thereof, make compensation for the injury, if any, done to said lands, such compensation to be ascertained as hereinafter provided; but in cases where the patents hereafter to be issued by the Crown provide that no compensation shall be made for such injury, the patentee shall have no claim on said parties owning said dams and works, or any of them, their heirs or assigns.

6.

6. With respect to lands now vested in the Crown and unsold, the said Gilmour & Company, their heirs and assigns shall not be liable to any purchaser of said lands for any damage caused by said dams and works, or any of them.

No compensation to purchasers of lands now vested in Crown.

7. With respect to the lands mentioned in the fifth section of this Act, the compensation to be made for the injury in said section mentioned, may be agreed upon between the said Gilmour & Company, their heirs or assigns, and the respective owners, tenants or lawful occupiers of the lands so injured, in such manner and on such terms as the parties may agree upon; and in case of disagreement, then the proceedings to ascertain and fix said compensation shall be the same as are pointed out and provided in sections seventeen, eighteen, nineteen, twenty and twenty-one of chapter one hundred and fifty-two of the Revised Statutes of Ontario.

Mode of determining compensation.

8. In any notice of arbitration to be given under the next preceding section, there shall be inserted a description of the land affected, and the damage to be arbitrated for, and the said notice shall also name a sum which shall be offered as compensation for the said damages; and if the sum awarded is equal to or less than the sum offered, the said owner shall pay all the costs of the arbitration and award, and the same may be deducted from the amount of the award, and if the award is not sufficient to pay the same, the balance may be recovered by suit by the other party to the said award, but if the sum offered be less than the amount awarded, the said Gilmour & Company, their heirs or assigns arbitrating, shall pay all costs attendant on the arbitration and award, and the arbitrators may award accordingly.

Particulars to be set out in notice of arbitration.

9. The said award shall be a complete bar to all further claims, because of the said dams or works, or any of them, or because of the flooding in respect of which such arbitration shall have been had, and for all damages occasioned thereby, so long as and while the same are maintained at no greater height than the same were at the time of the making of the said award.

Award a bar to further claims.

10. The said Gilmour & Company, their heirs or assigns, may register any such award in the office of the registrar for the county of Hastings; and the production of a certified copy of the said award, under the hand and seal of office of the registrar, shall in all courts and places be taken as *prima facie* evidence of the said award, in the same manner and to the same effect as if the original thereof in his office was produced.

Registration of awards.

11. No such dams or works shall be maintained, and no powers hereby given shall be exercised, in such a manner as to injure any millowner or manufacturer in respect of any mill

Rights of mill-owners, etc., preserved.

or

or manufactory lawfully existing either above or below any such dam and using the said river as a water power: Provided, however, that all statutory rights, if any, acquired under the Statute of Limitations or otherwise against any such manufacturer or millowner to use the said river shall not be prejudiced, interfered with, or taken away by anything in this Act

Proviso. Proviso.

contained: Provided always that any powers or rights conferred by this Act shall be subject to and not interfere with the powers vested in the Commissioner of Public Works, under chapter thirty of the Revised Statutes of Ontario, and shall also be subject to sections nine, ten, eleven and twelve, of chapter one hundred and thirteen of the said Revised Statutes of Ontario: Provided, moreover, that the Lieutenant-Governor in Council may, whenever it is deemed expedient in the public interest, cause said dams or any of them to be taken down and removed.

Power to
charge reason-
able tolls for
use of im-
provements.

12. Any person or persons floating logs or timber or such like material down the said river, and using the said works, or any of them, shall pay a reasonable sum or compensation for such use; a schedule of charges for such use shall be prepared and submitted to the Lieutenant-Governor in Council, and shall be subject to his approval, and upon the same being approved the said Gilmour & Company, or their assigns, may charge and collect the said tolls or fees for the use of the said works.

Charges may
be increased
or decreased.

13. It shall be lawful for the said Gilmour & Company to alter, increase or decrease the said charges, but no such increase or change shall be made until the approval of the Lieutenant-Governor in Council has been obtained thereto.

CHAPTER 83.

An Act respecting the Ladies' Christian Association of St. Catharines.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Ladies' Christian Association of St. Catharines have, by their petition, set forth that they were incorporated under the provisions of chapter thirty-four of the Acts passed in the thirty-seventh year of Her Majesty's reign, for the purpose of acquiring property for a home in the said city as a place of refuge for the poor and destitute, and for the dispensation of relief to the needy; that they are desirous of having the power of caring for and sustaining children of tender years, and of imparting to them a moral and religious teaching and training, and that they are further desirous

desirous of having the name of the said association changed, and all the lands and property of the said existing association vested in a corporation to be called "The Protestant Home of St. Catharines," and have prayed for an Act for these purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Ladies' Christian Association of St. Catharines shall hereafter be called "The Protestant Home of St. Catharines," and all the rights, property, powers, and privileges vested in the said association, under the Act respecting Benevolent, Provident, and other Societies, or otherwise, are hereby vested in the said Protestant Home of St. Catharines. Name changed.

2. The said corporation may receive, care for, and sustain children of tender years, for the purpose of imparting to them a moral and religious teaching and training, and shall have and may exercise over and with respect to them the same powers, rights and authority as are possessed by charitable societies which have been authorized by the Lieutenant-Governor in Council, under chapter one hundred and thirty-five of the Revised Statutes of Ontario, to exercise the powers conferred by that Act; and the lands and property in the preamble to this Act mentioned are to be applicable to the promotion of the said objects. Power to receive and train children.

CHAPTER 84.

An Act to enable the Trustees of the Methodist Episcopal Congregation of the Town of Orangeville to sell certain lands.

[Assented to 10th March, 1882.]

WHEREAS Abiather Wilcox and Alexander Hughson, of the town of Orangeville, Nelson Hughson, of the township of Amaranth, James Johnson, of the township of Garafraxa, William Hall, of the township of Mono, George Wilcox and John Stevenson, of the town of Orangeville, trustees of the Methodist Episcopal Church in Canada, have, by their petition, set forth that by an indenture dated the twenty-third day of February, in the year of our Lord one thousand eight hundred and fifty-six, Orange Lawrence, being the owner in fee simple of the lands in the said deed described and hereinafter mentioned, granted and conveyed the same unto James Augustus Hughson, Preamble.

Hughson, Abiather Wilcox, Nelson Hughson, Thomas Sides, and James Johnson, as trustees of the Methodist Episcopal congregation of the town of Orangeville, in connection with the Methodist Episcopal Church in Canada, and their successors in office for ever, in trust in effect for the use of the said congregation for the support of public worship and the propagation of Christian knowledge, and for the benefit of the said congregation, for a place of worship, parsonage and burying-ground, and that the said lands are, by the terms and conditions of the said deed, now vested in the said petitioners as the succeeding trustees aforesaid; and whereas the said petitioners have further represented, that the said lands which have been heretofore used by the said congregation as a place for public worship and a burying-ground, in consequence of the removal of the church to another part of the town, are not further required by the said congregation, and that the said congregation are desirous of removing the bodies interred therein, and selling and disposing of the said lands, and appropriating the proceeds of the sale thereof towards liquidating a certain debt incurred in the erection of a new place of worship for the said congregation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sale of lands
authorized.

1. From and after the removal, as hereinafter provided, of all bodies which are now interred in the lands hereinafter in this section particularly described, it shall be lawful for the said petitioners, Abiather Wilcox, Alexander Hughson, Nelson Hughson, James Johnson, William Hall, George Wilcox and John Stevenson, trustees as aforesaid, and the survivor or survivors of them, or their successors in office, and they are hereby authorized to lease, mortgage or sell and convey, in fee simple or for any lesser estate, the said lands in the said deed described, and being composed of that part of lot number one, in concession E, gore of the township of Garafraxa, in the town of Orangeville, in the county of Dufferin (formerly a part of the county of Wellington), known and described as follows: Commencing at the north-easterly angle of Church and Wellington streets, in the said town of Orangeville; running thence southerly, along the westerly side of said Wellington street, four chains; thence westerly, parallel with Church street, five chains; thence northerly, parallel with said Wellington street, four chains, to said Church street; thence easterly, along the southerly side of said Church street, five chains, to the place of beginning: and they are hereby authorized to so sell the same, either by public auction or private contract, and either for cash or on credit, and in such parcels, for such prices, and upon such terms and conditions as may be deemed expedient, and the said trustees, and the survivor or survivors of them

and

and their successors, are empowered to so lease, mortgage or sell and convey as aforesaid, the said lands freed and discharged from all trusts under which they are now held, and of and from all right, title, interest, claim and demand of any person or persons, or of their representatives.

2. The said trustees, and the survivor or survivors of them, or their successors in office, shall apply the proceeds of such sale or sales towards the liquidation of the said debt incurred in the erection of the present place of worship now occupied by the said congregation, and not otherwise.

3. No person or persons, body or bodies corporate, who have purchased the said lands, or any part thereof, shall be in any way bound to see to the application or be answerable for the non-application of the purchase money or any part thereof.

4. The said trustees, and the survivor or survivors of them, and their successors, shall have full power and authority, after giving notice, as hereinafter required, to remove from the lands mentioned in the first section of this Act, at their sole cost, the remains of the dead therein interred, to the cemetery known as the "Forest Lawn Cemetery," adjacent to Orangeville, or the cemetery now owned by the corporation of the said town of Orangeville and known as the "Town Cemetery," and at the like cost there to re-inter such remains decently and in order, and to re-erect any monument or headstone erected on said burial ground at the time of such removal, and so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased as to the manner of such removal or re-interment, and so as that such re-interment shall be in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

5. The said trustees, and the survivor or survivors of them, and their successors in office, before removing the remains of the dead, in the last preceding section authorized, shall, during the period of one month, publish a notice once a week in the *Ontario Gazette* and in one newspaper published in the town of Orangeville, which said notice shall set forth the powers in the last preceding section granted, and that persons owning burial lots from which the remains of the dead are sought to be removed, either to the "Forest Lawn Cemetery" or to the "Town Cemetery" aforesaid, shall receive conveyances of burying plots therein, corresponding in size, as nearly as may be, with those lots from which the remains of the dead shall have been removed; and the said trustees and their successors shall be required to procure and furnish such conveyances, and pay all reasonable expenses incurred or sustained in or by reason of such removal and re-interment of said remains in such cemetery

cemetery aforesaid, and no further or other notice to the friends or relatives of the deceased shall be necessary.

Care to be taken that all remains are removed before sale of land.

6. It shall be the duty of the trustees, and the survivor or survivors of them, and their successors, to use due care and diligence that all the remains of the dead have been removed from the said lands before they lease, mortgage or sell the same or any part thereof, as aforesaid, but the title of any lessee, mortgagee, or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged, or sold, if it shall be made to appear to the county judge of the county of Dufferin for the time being, and if he shall so certify under his hand that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged, or sold, and such certificate shall be registered in the registry office for the said county on the production thereof to the registrar and the payment to him of one dollar as a fee for such registration.

CHAPTER 85.

An Act to further amend the Act to incorporate the Ottawa Ladies' College.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the managers of the Ottawa Ladies' College have, by their petition, represented that they desire to further amend their Act of incorporation, being chapter fifty-four of the Acts passed in the thirty-third year of Her Majesty's reign, intituled "An Act to incorporate the Ottawa Ladies' College;" and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

33 Vic., c. 54,
s. 6, amended.

1. Section six of the said Act of incorporation is hereby amended by inserting after the word "managers," in the second line of the said section, the following words: "Two-thirds of whom shall be Presbyterians in connection with the Presbyterian Church in Canada, such board of managers."

Appointment
of visitors.

2. The General Assembly of the Presbyterian Church in Canada may appoint annually two visitors, to whom the books, accounts and affairs of the college shall be open for inspection, and to whom all by-laws or regulations hereafter to be made for

for the management of the said college shall be submitted for approval, and who shall have power to report to the said General Assembly on all matters affecting the said college as they may deem advisable.

CHAPTER 86.

An Act respecting a Public Hospital and Home for the Friendless for the City of Belleville.

[Assented to 10th March, 1882.]

WHEREAS in the original survey of the town, now the city of Belleville, lots numbers thirty-two and thirty-three on the west side of Rear street, and lots numbers thirty-two and thirty-three on the east side of Church street, in the said town, were set apart and reserved for the purpose of a public hospital; and whereas the said land is not suited for the purpose for which it was designed; and whereas in and by the statute of the Province of Canada, fourteen and fifteen Victoria, chapter one hundred and forty, it was and is provided that, as soon as the town council of the said then town of Belleville should have made suitable provision for a public hospital in the said town to the satisfaction of the Governor-General of the said Province, or the person administering the Government thereof, it should be lawful for Her Majesty, Her heirs or successors, to grant to the town council of the town of Belleville all and singular the said lands and premises, with the appurtenances, to hold to the said town council in fee simple for the use of the said town of Belleville; and whereas the said corporation of the said town of Belleville did not nor has the corporation of the city of Belleville made any provision for a public hospital for the said city, although such accommodation is required, and have neglected and refused to do anything towards the attainment of that object; and whereas the Women's Christian Association of Belleville are and were incorporated under the laws of this Province for the purpose of building and managing an hospital for the said city, and also a home for the friendless and the management thereof; and whereas the said association have, by their petition, prayed that in order to aid them in their undertaking an Act may be passed authorizing Her Majesty, Her heirs and successors, to convey the said lots to a trustee or trustees, to be named by the Lieutenant-Governor in Council, in trust to sell the same and to receive the proceeds and to apply the same towards the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Lots to be free from existing trusts.

1. From and after the passing of this Act, Her Majesty, Her heirs and successors, shall have and hold said lots thirty-two and thirty-three on the west side of Rear street, and lots thirty-two and thirty-three on the east side of Church street, in the city of Belleville, freed and discharged of and from all trusts and equities whatsoever, save and except such (if any) as are by this Act created or established.

Sale of land authorized. Application of proceeds.

2. Her Majesty, Her heirs and successors, are hereby authorized to convey the said lots thirty-two and thirty-three on the west side of Rear street, and lots thirty-two and thirty-three on the east side of Church street, in the city of Belleville, to a trustee or trustees, to be named by the Lieutenant-Governor in Council, to hold the same in trust, to sell the same by such means and on such terms as he or they may deem best and for the best price that can be got therefor, and to take the proceeds of the sale upon trust to apply the same as follows, that is to say: firstly, to pay the purchase money, or such sum as may remain unpaid thereon, of the site for said hospital and for a home for the friendless which the Women's Christian Association of Belleville has selected and purchased, and which site has been examined and approved by the Inspector of Public Charities, for the Province of Ontario, the title to the said site to be clear, and the conveyance thereof to be made to a trustee or trustees whose name or names shall be submitted to and approved by the Lieutenant-Governor in Council, to be held in trust for the purposes of said general hospital and home for the friendless; secondly, to apply the balance of the proceeds of said sale towards the payment of the construction of said hospital and home: Provided always that before the buildings for said hospital and home are commenced the plans therefor shall be submitted to and approved of by the said Inspector of Public Charities, and that the said balance shall only be paid over on the certificate of said inspector that the buildings have been completed, and the plans have been carried out to the satisfaction of him, the said inspector; Provided moreover that upon the said inspector's said certificate being presented to the said trustee or trustees first above mentioned, the said balance of said purchase money shall be by him or them paid and applied as aforesaid.

Proviso.

Proviso.

Trusts to be approved by Lieut.-Gov. in Council.

3. The trusts in the deed of conveyance for said new site so selected and purchased as aforesaid for said hospital and home shall be such as shall, before the conveyance is made, be approved by the Lieutenant-Governor in Council, who shall have power to name and specify the said trusts and settle the same.

CHAPTER 87.

An Act respecting St. Paul's Church, in the Town of Woodstock.

[Assented to 10th March, 1882.]

WHEREAS by a patent dated the sixteenth day of January, Preamble.
in the year of our Lord one thousand eight hundred and thirty-six, His late Majesty King William IV., in pursuance of an Act of the Parliament of Great Britain, passed in the thirty-first year of the reign of His Majesty King George III., intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled 'An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province,'" and which patent was granted by the Lieutenant-Governor of the said Province under the authority of His said Majesty King William IV., with the advice and consent of His said Majesty's Executive Council of and for the said Province, did erect and constitute a parsonage or rectory at the town of Woodstock, in the county of Oxford, then the district of London, and did set apart certain lands, being lot number two in the first concession of the township of Oxford West, and lot number sixteen in the fifth concession of the township of Oxford East, as a glebe and endowment to be held appurtenant with the said parsonage or rectory; and whereas a petition of the rector, vestry, and church-wardens of St. Paul's Church, Woodstock, was presented to the Legislative Assembly of the Province of Ontario, at the session thereof held in the forty-fourth year of the reign of Her Majesty Queen Victoria, representing it to be desirable to define the limits of the said rectory as they are hereinafter defined; and whereas the matter of the said petition came on to be heard before a committee of the said Assembly, duly constituted in that behalf, when all parties interested in the said matter were heard before the said committee, and it was then agreed before the said committee by all the said parties that on the consent of the Lord Bishop of Huron being given to such petition, all opposition should be withdrawn to any subsequent legislation necessary to effect that purpose, and whereas there has been commenced an action in the Chancery Division of the High Court of Justice against the incorporated synod of the Diocese of Huron, in which the boundaries of the said rectory are called in question; and whereas the Lord Bishop of Huron has in writing assented to the said limits being so defined, and the said rector, vestry, and church-wardens have again petitioned to have the said boundaries so defined and that the Act so to be passed shall apply to the said suit, and it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Limits of
rectory of
Woodstock
defined.

1. The limits of the said parsonage or rectory so created by the said patent, are hereby defined to have always been and to be, and they shall hereafter continue to be, the limits of the said town of Woodstock, as the same have been, now are, or hereafter may from time to time exist for municipal purposes, and shall be so held to be, and have been, in the said action and in all other action or actions now or hereafter to be brought in which the said limits shall be called in question.

Church-war-
dens to keep
in repair Old
St. Paul's
Church.

2. The church-wardens of the said parsonage or rectory shall, out of the annual income derivable from the proceeds of the said lands, or otherwise, repair and keep in repair, to the satisfaction of the Lord Bishop of the diocese for the time being, the church in the said town called Old St. Paul's Church, including the churchyard and surrounding fences, but the amount to be expended shall in no one year exceed one hundred and fifty dollars, and if less than that sum is expended in any year it shall not be incumbent in a subsequent year to expend the amount so unexpended in any previous year: Provided always that in case the said Old St. Paul's Church should hereafter, with the consent of the said bishop, be used as a parish church by a separate congregation, the said bishop may in his discretion relieve the said church-wardens from the said obligation.

Proviso.

CHAPTER 88.

An Act respecting the Wesleyan Female College of Hamilton, Ontario.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Wesleyan Female College of Hamilton, Ontario, has, by petition, prayed for an Act to reduce the number of its directors, and otherwise to alter the provisions of its Act of incorporation; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

24 Vic., c. 112,
ss. 4 and 6,
repealed.

1. Sections four and six of the Act passed in the twenty-fourth year of Her Majesty's reign, chaptered one hundred and twelve, are hereby repealed, and the following section substituted

tuted therefor:—The affairs of the said corporation shall be conducted by a board of not less than ten nor more than fourteen directors, of whom five shall be ministers of the Methodist Church of Canada, to be appointed by the general conference of said Church, and shall hold office for four years, or until their successors shall have been appointed; and the remainder of such directors shall each be a proprietor of at least ten shares of the capital stock of said college, and shall hold office until their successors shall have been appointed; but in all cases the retiring directors shall be eligible for re-election.

Board of
Directors.

2. Section five of the said Act is hereby amended by striking out the word "nine" in the tenth line and inserting instead thereof the word "five," and by striking out in the twelfth and fourteenth lines the word "seven" and instead thereof inserting "not less than five nor more than nine," and by striking out the word "lay" in the fourteenth line and changing the term "two years" in the same line to the term "one year," and by striking out the last six lines of said section.

Sec. 5
amended.

3. Section ten of the said Act is hereby amended by striking out the word "ten" in the sixth line and inserting the word "five" in lieu thereof.

Sec. 10
amended.

4. Section twelve of the said Act is hereby amended by striking out the word "nine" in the second line and inserting the word "five" in lieu thereof.

Sec. 12
amended.

5. Section seventeen of the said Act is hereby amended by striking out the words "Wesleyan Methodist Church" and inserting instead thereof the words "Methodist Church of Canada," and by striking out the words "Wesleyan Methodist conference" and inserting instead thereof the words "the general conference of the Methodist Church of Canada at its first session thereafter."

Sec. 17
amended.

6. Section eighteen of said last-mentioned Act is hereby amended by striking out the word "seven" in the sixth line and inserting the word "three" in lieu thereof.

Sec. 18
amended.

7. Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted or indorsed, and every promissory note and cheque made, drawn or indorsed on behalf of the said corporation, by any agent, officer, or servant of the corporation, in general accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation; and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque, or to prove that the same was made, drawn, accepted, or

Contracts,
notes, etc.,
made by agents
in accordance
with their
powers to
be binding on
corporation.

or indorsed, as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer, or servant of the corporation, be thereby subjected individually to any liability whatsoever to any third party therefor;

(2) Nothing in this section shall be construed to authorize the corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank.

Name
changed.

8. The corporate name of the said college is hereby changed from "The Wesleyan Female College" to that of "The Wesleyan Ladies' College;" and the said corporation shall, from and after the passing of this Act, be known as "The Wesleyan Ladies' College."

CHAPTER 89.

An Act to amend the Act incorporating the Western University of London, Ontario.

[Assented to 10th March, 1882.]

Preamble.

WHEREAS the Western University of London, Ontario, has petitioned for certain amendments to the Act passed in the forty-first year of the reign of Her Majesty, and chaptered seventy, intituled "An Act to incorporate the Western University of London, Ontario;" and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

41 Vic., c. 70,
s. 1, amended.

1. The first section of the said recited Act is hereby amended by inserting after the word "Degree," in the twenty-fourth line of said section, the words following: "and being duly qualified according to the provisions in that behalf contained in the third section of this Act, and each and every of them being, and always continuing to be, members of the Church of England;" and by inserting after the word "University" in the corporate name the words "and College," so that the corporate name shall become "the Western University and College of London, Ontario," and by adding at the end of such first section the words "and its teaching functions in the faculty of arts or in science or literature shall be exercised by such College as distinct from the University, but subject to the by-laws and regulations of the senate of the said University."

2. The third section of the said recited Act is hereby amended ^{Sec. 3} by inserting after the word "graduates," in the second line of ^{amended.} such section, the words following: "each and every of them being, and always continuing to be, members of the Church of England," and also by inserting the same words after the word "University" in the ninth line of such section.

ACTS OF THE ONTARIO LEGISLATURE DISALLOWED SINCE
THE REVISION OF THE STATUTES.

“An Act respecting the Administration of Justice in the Northerly and Westerly parts of Ontario.”—42 Vic., cap. 19.

“An Act for Protecting the Public Interest in Rivers, Streams and Creeks.”—44 Vic., cap. 11.

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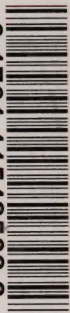
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